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DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 86CW056

22 Nov 87 11: 02

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

CONCERNING THE APPLICATION FOR WATER RIGHTS OF: BRIDGE BUILDERS, INC., a Colorado Corporation and SPRUCE MOUNTAIN ASSOCIATES d/b/a SPRUCE MOUNTAIN RANCH

IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, In Douglas County.

THIS MATTER is based upon the amended application of Bridge Builders, Inc., a Colorado corporation, and Spruce Mountain Associates, d/b/a Spruce Mountain Development, for underground nontributary water rights from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying specified lands in Douglas County, Colorado. The Court, having examined the record and the evidence presented, makes the following:

FINDINGS OF FACT

1. Name, Address and Telephone Number of Applicants:

Bridge Builders, Inc., a Colorado corporation, and  
Spruce Mountain Associates,  
d/b/a Spruce Mountain Development  
1200 Seventeenth Street, Suite 1950  
Denver, Colorado 80202  
(303) 753-9229

Applicants shall be referred to hereafter singularly as the Applicant.

2. History of Case:

The Applicant is represented by Saunders, Snyder, Ross & Dickson, P.C. (William B. Tourtillott and Robert E. Schween). The original application in this matter was filed with this Court on February 26, 1986. The application was amended once in June 1986 and again in July 1986, and both amendments were published in the appropriate water resume. The application for nontributary ground water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers was amended to adjust the estimated amounts available in those aquifers to conform with the

appropriate amounts as assigned in the Denver Basin Rules. Statements of Opposition have been filed by Jack M. Stera (Charles B. White), and Bellman Community Development and MSP Investment Co. (John F. Akolt).

3. Subject Matter Jurisdiction:

Timely and adequate notice of the pendency of these proceedings has been given in the manner required by law. The Water Court has jurisdiction over the subject matter of these proceedings and over *all* who have standing to appear as parties, whether they have appealed or not.

4. Type and Location of Water Claimed:

In this proceeding, Applicant seeks a decree for rights to ground water recoverable from the nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying its property in Douglas County, Colorado. Applicant's property is located in portions of Sections 15, 16, 20, 21, 22, 28, and 29, Township 10 South, Range 67 West of the 6th Principal Meridian, all in the County of Douglas, State of Colorado, and consisting of 2430 acres, more or less. A legal description of the property, along with a general location map, is attached hereto as Exhibit "A." Applicant either is the owner of the above-described land, or holds an option to purchase same. No part of such Land lies within a designated ground water basin.

5. Specific Wells Claimed:

The legal description of the wells to be constructed are as follows:

A. Denver Aquifer:

D-1 is to be located in the SW1/4 SE1/4 of Section 21, 800 feet North of the South section line and 2500 feet West of the East section line of said Section 21.

D-2 is to be located in the SE1/4 NW1/4 of Section 21, 2100 feet South of the North section line and 1400 feet East of the West section line of said Section 21.

D-3 is to be located in the NE1/4 SE1/4 of Section 20, 2700 feet South of the North section line and 900 feet West of the East section line of said Section 20.

D-4 is to be located in the NW1/4 NW1/4 of Section 22, 400 feet South of the North section line and 300 feet East of the West section line of said Section 22.

D-5 is to be located in the NE1/4 SW1/4 of Section 16, 3400 feet South of the North section line and 2400 feet East of the West section line of said Section 16.

D-6 is to be located in the NE1/4 NW1/4 of Section 16, 1000 feet South of the North section line and 1400 feet East of the West section line of said Section 16.

D-7 is to be located in the NE1/4 SE1/4 of Section 16, 1500 feet North of the South section line and 700 feet West of the East section line of said Section 16.

D-8 is to be located in the NW1/4 NE1/4 of Section 21, 800 feet South of the North section line and 2100 feet West of the East section line of said Section 21.

D-9 is to be located in the NW1/4 SW1/4 of Section 21, 3500 feet South of the North section line and 1300 feet East of the West section line of said Section 21.

D-10 is to be located in the NE1/4 NE1/4 of Section 29, 1000 feet South of the North section line and 1200 feet West of the East section line of said Section 29.

D-11 is to be located in the SE1/4 NW1/4 of Section 23, 3000 feet North of the South section line and 1700 feet East of the West section line of said Section 28.

D-12 is to be located in the NE1/4 SW1/4 of Section 28, 1400 feet North of the South section line and 1700 feet East of the West section line of said Section 28.

D-13 is to be located in the SW1/4 SE1/4 of Section 28, 1000 feet North of the South section line and 2000 feet West of the East section line of said Section 23.

D-14 is to be located in the SW1/4 NE1/4 of Section 23, 2300 feet South of the North section line and 2000 feet West of the East section line of said Section 28.

~~D-15~~ is to be located in the SW1/4 NW1/4 of Section 22, 2400 feet South of the North section line and 600 feet East of the West section line of said Section 22.

B. Arapahoe Aquifer

A-1 is to be located in the SW1/4 SE1/4 of Section 21, 800 feet North of the South section line and 2600 feet West of the East section line of said Section 21.

A-2 is to be located in the SW1/4 NW1/4 of Section 21, 2100 feet South of the North section line and 1200 feet East of the West section line of said Section 21.

A-3 is to be located in the NE1/4 SE1/4 of Section 20, 2800 feet South of the North section line and 900 feet West of the East section line of said Section 20.

A-4 is to be located in the NE1/4 SE1/4 of Section 16, 1400 feet North of the South section line and 700 feet West of the East section line of said Section 16.

A-5 is to be located in the NE1/4 SW1/4 of Section 15, 3500 feet South of the North section line and 2300 feet East of the West section line of said Section 16.

A-6 is to be located in the NE1/4 NW1/4 of Section 16, 1100 feet South of the North section line and 1400 feet East of the West section line of said Section 16.

A-7 is to be located in the SW1/4 NW1/4 of Section 22, 2400 feet South of the North section line and 500 feet East of the West section line of said Section 22.

A-8 is to be located in the SE1/4 NW1/4 of Section 28, 3000 feet North of the South section line and 1500 feet East of the West section line of said Section 28.

A-9 is to be located in the SW1/4 SE1/4 of Section 28, 1200 feet North of the South section line and 2000 feet West of the East section line of said Section 28.

A-10 is to be located in the NE1/4 NE1/4 of Section 29, 1000 feet South of the North section line and 1300 feet West of the East section line of said Section 29.

C. Laramie-Fox Hills Aquifer

LFH-1 is to be located in the SW1/4 SE1/4 of Section 21, 700 feet North of the South section line and 2400 feet West of the East section line of said Section 21.

LFH-2 is to be located in the SW1/4 NW1/4 of Section 21, 1800 feet South of the North section line and 1200 feet East of the West section line of said Section 21.

LFH-3 is to be located in the SW1/4 NW1/4 of section 28, 1700 feet South of the North section line and 1100 feet East of the West section line of said Section 28.

LFH-4 is to be located in the NW1/4 NW1/4 of Section 22, 200 feet South of the North section line and 300 feet East of the West section line of said Section 22.

LFH-5 is to be located in the NW1/4 NW1/4 of Section 16, 1100 feet South of the North section line and 1200 feet East of the West section line of said Section 16.

LFH-6 is to be located in the SW1/4 SE1/4 of Section 28, 1300 feet North of the South section line and 1900 feet West of the East section line of said Section 28.

6. Well Permits:

A. Well permit applications for two of the above wells, D 11 and A-8, were submitted to the State Engineer on May 20, 1986. The State Engineer issued permits for these two wells on December 30, 1986. Applicant will file permit applications for the additional wells in advance of anticipated construction dates.

B. The State Engineer shall consider the rights granted herein as valid. Since a unified municipal water supply system is planned to serve this residential development of property, the system will be constructed pursuant to a phased development program over a considerable period of time. Each well will be drilled and completed as it is needed pursuant to such phased development program. Accordingly, the Court determines that if

Applicant fails to construct any of said wells within *the* period of time specified in the corresponding well permits, it may reapply and the State Engineer shall promptly issue a well permit for the amount of water determined herein with burdens no more restrictive than found herein.

7. Average Annual Amounts of Withdrawal Available:

A. Quantitative Estimates; Findings of the State, Engineer:

(1) The Office of the State Engineer ("State") issued Findings of Fact ("Findings") pursuant to § 37-92-302(2), C.R.S. (1985 Supp.), on June 26, 1986. Pursuant to the Denver Basin Rules, the State Engineer found that the ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers under the entirety of the subject property is classified as nontributary ground water. The hydrologic values and the average annual amounts available to the Applicant, pursuant to the Findings are as follows:

State Engineer's Findings

<u>Nontributary Aquifer</u>	<u>Sp. Yield (%)</u>	<u>Saturated Sand Thickness (Feet)</u>	<u>Ave. Annual Amount (AF)</u>
Denver	17	470	1918
Arapahoe	17	430	1754
Laramie-Fox Hills	15	190	684
TOTAL			<u>4356</u>

(2) The above calculations were based on the criteria prescribed in § 37-90-137(4), C.R.S (1985 Supp.), using Applicant's estimate of the land area of the subject property (2400 acres). A survey of the property revealed that the actual acreage of the property is 2430 acres, more or less. At such time retained jurisdiction is invoked to finalize these quantities, the actual acreage shall be used in determining such final quantities.

B. Estimated Pumping Rates:

The estimated pumping rate for each well in a particular aquifer is as follows:

<u>Aquifer</u>	<u>Pumping Rate/Well</u>	
	<u>gpm</u>	
Denver	150	.33
Arapahoe	200	.45
Laramie-Fox Hills	100	.22

6. Final and Interim Average Annual Amounts of Withdrawal and Allowed Amounts of Withdrawal Exceeding the Average Annual Amounts:

A. The average annual amount available for withdrawal from the Denver, Arapahos. and Laramie-Fox Hills aquifers will depend on the hydrogeology and the legal entitlement of Applicant to all ground water, whether nontributary or not nontributary, in those aquifers underlying the described property, pursuant to the retained jurisdiction of the Water Court, as described in paragraph 19, below. However, in the period of time between the date of this decree and the reopening of this matter pursuant to the Court's retained jurisdiction, the State Engineer's Findings of the average amounts of withdrawal from each aquifer shall be considered correct and shall control.

B. With respect to the Denver, Arapahoe, and Laramie-Fox Hills aquifers, the allowed annual amount of water which may be withdrawn from such aquifers through the wells specified above and any additional wells, pursuant to § 37-90-137(10), C.R.S. (1985 Supp.), may exceed the average annual amount of withdrawal, as long as the total volume of water withdrawn through such well and any additional wells therefor subsequent to the date of this decree does not exceed the product of the number of years since the date of the issuance of the well permits or, should the well permits not be issued or expire after issuance, since the date of this decree multiplied by the average annual amount of withdrawal specified above.

9. Source of Nontributary Ground Water and Limitation on Consumption:

A. The ground water to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers beneath the 2433 acres, more or less, described in Exhibit "A," through the wells described herein is "nontributary ground water" as defined in § 37-90-103(10.5), C.R.S. (1985 Supp.), and in the Denver Basin Rules, the withdrawal of which will not, within 100 years, deplete the flow of a natural stream, including a natural stream as defined in §§ 37-82-101(2) and 37-92-102(1)(b), C.R.S., at an annual rate greater than 1/10 of 1% of the annual rate of withdrawal. The withdrawal of water from these nontributary aquifers in accordance with the terms of this decree will not result in material injury to the vested water rights of others as a matter of law.

B. Applicant may not consume more than 98% of the annual quantity of water withdrawn from the nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying its property. The relinquishment of 2% of the annual amount of water withdrawn to the stream system, as required by the Denver Basin Rules, effective January 1, 1986, may be satisfied by any method selected by the Applicant and satisfactory to the State Engineer, so long as Applicant can demonstrate that an amount equal to 2% of such withdrawals (by volume) has been relinquished to the stream system.

10. No Material Injury:

There is unappropriated ground water available for withdrawal from each aquifer beneath the land described herein, and the vested water rights of others will not be materially injured by such withdrawals as described hereby. The minimum useful life of each of the subject aquifers is at least 100 years, assuming no substantial artificial recharge within 130 years. No material injury to vested water rights of others will result from the issuance of permits for the subject wells or the exercise of the rights and limitations specified in this decree therefor.

11. a System; Additional Wells a Well Fields:

A. The Applicant proposes to build a unified municipal water system over the period of many years and will construct its wells as required by development. Any well drilled within 200 feet of a decreed location will be deemed to be constructed at the decreed well location pursuant to the permit and this decree.

B. In addition to the wells described in paragraph 5 above, Applicant may construct additional wells and replacement wells in order to maintain levels of production and to recover the entire amount of ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the subject property. As additional wells are planned, applications shall be filed in accordance with § 37-90-137(10j), C.R.S. (1985 Supp.).

C. The pumping rates for the wells may exceed the pumping rates specified herein in order to produce the full acre foot allocation of water from each aquifer or to meet demands made on the water supply system. Two or more wells constructed into the same nontributary aquifer shall be considered a well field. In effecting production of water from such well field,



Applicant may produce the entire amount which may be produced hereunder from the particular aquifer through any combination of wells within the well field for that particular aquifer.

In considering applications for permits for additional wells to withdraw the ground water which is the subject of this decree, the State Engineer shall be bound by this decree and shall issue said permits in accordance with provisions of § 37-90-137(4), C.R.S. (1985 Supp.). Applicant shall not be required to submit any additional proof or evidence of matters finally determined herein when making application for permits for wells to withdraw the water which is the subject of this decree, except that the State Engineer may require the Applicant or any successor in interest to furnish updated landownership or consents to use affidavits.

12. Proposed Uses of Water:

The water withdrawn from any well may be used, reused, and successively used and otherwise disposed of for all municipal purposes including domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection and sanitary purposes, subject to the relinquishment obligation herein. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes.

13. Conditions:

For each well drilled pursuant to this decree, Applicant shall comply with the following conditions:

A. A totalizing flow meter shall be installed on the well discharge prior to withdrawing any water therefrom. Applicant shall keep accurate records of all diversions by the well and submit such records to the Division of Water Resources upon request.

B. The entire length of the open bore hole shall be geophysically surveyed prior to casing and copies of the geophysical log submitted to the Division of Water Resources. Applicant may provide a geophysical log from an adjacent well or test hole, pursuant to applicable rules and regulations and acceptable to the State Engineer, which fully penetrates the aquifer, in satisfaction of the above requirement.

C. The ground water production shall be limited to the specific aquifer for which the well was designed. Plain, unperforated casing must be installed and properly grouted to prevent withdrawal from or intermingling of water from zones other than those for which the well was designed.

W. The well shall be permanently identified by its permit number, this Water Court Case Number, and the name of the producing aquifer on the above-ground portion of the well casing or on the pump house.

#### CONCLUSIONS OF LAW

14. The Water Court has jurisdiction over this proceeding pursuant to § 37-90-137(6), C.R.S. This Court concludes as a matter of law that the application herein is one contemplated by law. Section 37-90-137(4), C.R.S. The application for a decree confirming Applicant's right to withdraw and use ground water from the named aquifers beneath its property pursuant to § 37-90-137(4), C.R.S. (1985 Supp.), should be granted, subject to the provisions of this decree. The nature and extent of the rights to nontributary ground water determined herein are defined by § 37-90-137(4), C.R.S. (1985 Supp.). The withdrawal of nontributary ground water in accordance with the terms of this decree will not result in material injury to vested water rights of others as a matter of law.'

15. The rights to ground water determined herein shall not be administered in accordance with priority of appropriation, such rights are not "conditional water rights" as defined by § 37-92-103(6), C.R.S. The provisions of § 37-92-301(4), C.R.S., requiring quadrennial findings of reasonable diligence are not applicable to the ground water rights determined herein. The determination of ground water rights herein need not include a date of initiation of the withdrawal project. See § 37-92-305(11), C.R.S. (1985 Supp.). No future applications for or findings of diligence shall be necessary to preserve these ground water rights,

16. Applicant is entitled to permits to construct the wells described in paragraph 5 hereof which will withdraw nontributary ground water under § 37-90-137(4), C.R.S., and such additional wells as may be required in the future to withdraw such ground water under § 37-90-137(10), C.R.S., except as limited herein.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED THAT:

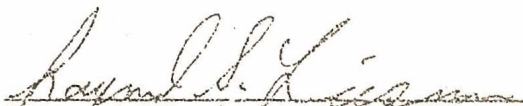
17. The Findings of Fact and Conclusions of Law are incorporated into this decree of the Water Court.

18. The Applicant may withdraw the ground water herein through the wells listed above at the locations listed above and in the average annual amounts and at the average rates of flow specified therefor, subject to the limitations herein and the retained jurisdiction by this Court.

19. Retained Jurisdiction:

The Court retains jurisdiction as necessary to adjust the average annual amounts of ground water available under the property to conform to actual local aquifer characteristics as determined from adequate information obtained from logs from test holes or wells, pursuant to § 37-92-305(11), C.R.S. (1985 Supp.). Within 60 days after completion of any well decreed herein, or any test hole(s), Applicant or any successor in interest to these water rights shall obtain a geophysical log of said well(s) and shall serve such log(s) upon the State Engineer and notify each of the parties who have appeared herein that completed, are available for review. At such time as adequate data are available and within four months of notice that retained jurisdiction for such purpose has been invoked, the State Engineer shall use the data available to him to make a final determination of water rights finding. The State Engineer shall submit such finding to the Water Court and all parties hereto. If no protest to such finding is made within 60 days, the Final Determination of Water Rights shall be incorporated into the decree by the Water Court. In the event of a protest, or in the event the State Engineer makes no determination within four months, such final determination shall be made by the Water Court after notice and hearing. In the event Applicant fails to invoke retained jurisdiction, the State Engineer or any party hereto may do so. In the interim, the Court retains jurisdiction in this matter pursuant to § 37-92-305(11), C.R.S. (1985 Supp.).

Ruling entered this 30 day of November, 1983

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

THE COURT DOETH FIND THAT NO PROTEST TO THE RULING OF THE REFEREE HAS BEEN FILED. THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

RECEIVED

DEC 30 '88

WALLS RECORDS  
STATE COURTS  
DENVER

DATED: December 29, 1988

BY THE COURT:

Robert A. Behrman  
Robert A. Behrman  
Water Judge  
Water Division No. 1  
State of Colorado

APPROVED AS TO FORM AND CONTENT:

SAUNDERS, SNYDER, ROSS  
& DICKSON, P.C.

Date: 13 August 1987

By Robert E. Schween  
Robert E. Schween, #12923  
707 17th Street  
Suite 3500  
Denver, Colorado 80202  
(303) 292-6600

ATTORNEYS FOR APPLICANT  
BRIDGE BUILDERS, INC. and  
SPRUCE MOUNTAIN ASSOCIATES

KIRKLAND & ELLIS

Date: \_\_\_\_\_

By \_\_\_\_\_  
Charles A. White, #9241  
Wayne F. Forman, 614082  
1990 Broadway, Suite 4000  
Denver, Colorado 80202  
(303) 293-3000

ATTORNEYS FOR OPPOSER JACK M.  
STERN, ESQ., ADMINISTRATOR, THE  
PERRIS F. HAMILTON REVOCABLE TRUST

SPRUCE MOUNTAIN RANCH  
LAND DESCRIPTION  
BY  
KKBNA, INC.

A TRACT OF LAND SITUATED IN SECTIONS 15, 16, 20, 21, 22, 27, 28 AND 29,  
TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
DOUGLAS COUNTY, COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16 AND THE TRUE POINT  
OF BEGINNING; THENCE S 89°12'52" E, 2441.98 FEET TO THE NORTH QUARTER  
CORNER OF SAID SECTION 16; THENCE S 00°13'20" E, 2647.26 FEET TO THE  
WEST RIGHT-OF-WAY LINE OF NOE ROAD OR DOUGLAS COUNTY ROAD NO. 74;  
THENCE S 00°13'20" E, 68.16 FEET ALONG THE WEST LINE OF THE EAST HALF  
OF SAID SECTION 16 TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NOE ROAD;  
THENCE ALONG THE SOUTH LINE OF SAID NOE ROAD THE FOLLOWING FOUR (4)  
CONSECUTIVE COURSES: (1) THENCE S 61°53'53" E, 12.35 FEET; (2) THENCE  
S 89°25'21" E, 2657.52 FEET; (3) THENCE S 88°05'18" E, 794.15 FEET;  
(4) THENCE S 89°19'17" E, 544.61 FEET TO THE EAST LINE OF THE WEST HALF  
OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE LEAVING SAID  
RIGHT-OF-WAY LINE S 00°29'11" E, 2592.13 FEET ALONG SAID EAST LINE TO  
THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE  
S 00°43'51" E, 2635.47 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE  
NORTHWEST QUARTER OF SAID SECTION 22 TO THE SOUTH LINE OF THE NORTHWEST  
QUARTER OF SAID SECTION 22; THENCE S 00°43'50" E, 2637.86 FEET ALONG THE  
EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 22  
TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE  
N 89°51'16" W, 1336.14 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 22;  
THENCE S 00°12'31" E, 1311.87 FEET TO THE NORTHEAST CORNER OF THE  
SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE  
S 89°57'39" W, 1333.17 FEET TO THE CENTER OF SAID NORTHEAST QUARTER OF  
SECTION 28; THENCE S 00°25'44" E, 1312.51 FEET TO THE SOUTHWEST CORNER  
OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28;  
THENCE N 89°56'02" E, 1328.12 FEET TO THE EAST QUARTER CORNER OF SAID  
SECTION 28; THENCE S 89°55'12" E, 186.81 FEET ALONG THE NORTH LINE OF  
THE SOUTHWEST QUARTER OF SAID SECTION 27; THENCE S 07°04'24" W, 379.02  
FEET TO THE WEST RIGHT-OF-WAY LINE OF SPRUCE MOUNTAIN ROAD OR DOUGLAS  
COUNTY ROAD #53; THENCE ALONG SAID WEST LINE OF SPRUCE MOUNTAIN ROAD THE  
FOLLOWING SIX (6) CONSECUTIVE COURSES: (1) THENCE S 30°45'07" W, 582.65  
FEET; (2) THENCE S 59°14'53" E, 20.00 FEET; (3) THENCE S 30°45'07" W,  
913.00 FEET TO A POINT OF CURVATURE; (4) THENCE 671.57 FEET ALONG THE  
ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2915.00 FEET AND A CENTRAL  
ANGLE OF 13°12'00" TO A POINT OF TANGENCY; (5) THENCE S 17°33'07" W,  
215.10 FEET TO A POINT OF CURVATURE; (6) THENCE 217.85 FEET ALONG THE  
ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET AND A  
CENTRAL ANGLE OF 02°11'51" TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF  
SAID SECTION 28; THENCE N 89°53'07" W, 1609.65 FEET TO THE SOUTH QUARTER  
CORNER OF SAID SECTION 28; THENCE N 89°54'46" W, 2677.80 FEET TO THE  
SOUTHWEST CORNER OF SAID SECTION 28; THENCE N 00°36'57" W, 2242.60 FEET  
ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO THE  
SOUTHWEST CORNER OF LOT 1 IN A SUBDIVISION ENTITLED SPRUCE MOUNTAIN  
ESTATES, UNIT 1; THENCE N 67°26'23" W, 236.99 FEET ALONG THE SOUTH LINE

OF SAID LOT 1 TO THE EAST RIGHT-OF-WAY LINE OF YARNELL DRIVE; THENCE ALONG SAID EAST LINE OF YARNELL DRIVE THE FOLLOWING THREE (3) CONSECUTIVE COURSES: (1) THENCE 116.37 FEET ALONG A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 269.20 FEET, A CENTRAL ANGLE OF 24°46'06" AND A CHORD BEARING N 13°51'38" W, 115.47 FEET TO A POINT OF TANGENCY; (2) THENCE N 26°14'41" W, 172.63 FEET TO THE SOUTH LINE OF SPRUCE MOUNTAIN ESTATES, UNIT 2; (3) THENCE N 26°14'41" W, 198.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SPRUCE ROAD; THENCE ALONG SAID SOUTH LINE OF SPRUCE ROAD THE FOLLOWING TWO (2) CONSECUTIVE COURSES: (1) THENCE 114.67 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 180.00 FEET, A CENTRAL ANGLE OF 36°30'00" AND A CHORD BEARING N 82°00'19" E, 112.74 FEET TO A POINT OF TANGENCY; (2) THENCE S 79°44'41" E, 139.00 FEET; THENCE LEAVING SAID SOUTH LINE N 10°15'19" E, 80.00 FEET TO THE SOUTHEAST CORNER OF LOT 22 OF SPRUCE MOUNTAIN ESTATES, UNIT 2; THENCE N 66°29'41" W, 378.00 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 21 AND THE SOUTHEAST CORNER OF LOT 20 OF SAID SPRUCE MOUNTAIN ESTATES, UNIT 2; THENCE N 42°59'41" W, 190.00 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 20; THENCE S 58°13'56" W, 415.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF YARNELL DRIVE, AND THE WESTERNMOST CORNER OF SAID LOT 20; THENCE S 76°38'39" W, 60.00 FEET TO THE WEST LINE OF SAID YARNELL DRIVE; THENCE 178.77 FEET ALONG A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 418.72 FEET, A CENTRAL ANGLE OF 24°27'44" AND A CHORD BEARING S 26°35'21" E, 177.42 FEET, SAID LINE BEING THE WEST LINE OF YARNELL DRIVE, TO THE NORTHEAST CORNER OF LOT 16 OF SAID SPRUCE MOUNTAIN ESTATES, UNIT 2; THENCE S 80°32'29" W, 167.77 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE S 15°32'50" E, 360.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16; THENCE S 89°37'10" W, 245.57 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF VALLEY VIEW DRIVE AS ESTABLISHED IN SPRUCE MOUNTAIN ESTATES, UNIT 1; THENCE ALONG SAID WESTERLY LINE OF VALLEY VIEW DRIVE THE FOLLOWING THIRTEEN (13) CONSECUTIVE COURSES: (1) THENCE S 62°38'02" E, 54.21 FEET TO A POINT OF CURVATURE; (2) THENCE 125.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 58.79 FEET AND A CENTRAL ANGLE OF 104°55'32" TO A POINT OF TANGENCY; (3) THENCE S 42°17'30" W, 69.12 FEET TO A POINT OF CURVATURE; (4) THENCE 136.62 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 230.45 FEET AND A CENTRAL ANGLE OF 33°58'03" TO A POINT OF TANGENCY; (5) THENCE S 76°15'33" W, 21.86 FEET TO A POINT OF CURVATURE; (6) THENCE 121.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 125.50 FEET AND A CENTRAL ANGLE OF 55°16'48" TO A POINT OF TANGENCY; (7) THENCE S 20°58'45" W, 49.80 FEET TO A POINT OF CURVATURE; (8) THENCE 239.96 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 113.25 FEET AND A CENTRAL ANGLE OF 121°24'00" TO A POINT OF TANGENCY; (9) THENCE N 37°37'15" W, 113.27 FEET TO A POINT OF CURVATURE; (10) THENCE 255.35 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 316.50 FEET AND A CENTRAL ANGLE OF 46°13'31" TO A POINT OF TANGENCY; (11) THENCE N 83°50'46" W, 24.28 FEET TO A POINT OF CURVATURE; (12) THENCE 259.80 FEET ALONG A CURVE TO THE RIGHT A RADIUS OF 256.50 FEET AND A CENTRAL ANGLE OF 58°01'58" TO A POINT OF TANGENCY; (13) THENCE N 25°48'48" W, 51.11 FEET TO THE NORTH LINE OF SPRUCE MOUNTAIN ESTATES, UNIT 1; THENCE S 89°37'10" W, 24.95 FEET ALONG THE NORTH LINE OF SPRUCE MOUNTAIN ESTATES, UNIT 1 TO THE EAST RIGHT-OF-WAY LINE OF PINE VIEW ROAD AS ESTABLISHED BY SPRUCE MOUNTAIN ESTATES, UNIT 2; THENCE N 14°25'41" E, 51.72 FEET ALONG THE EAST LINE OF SAID PINE VIEW ROAD TO A POINT; THENCE S 89°37'10" W, 62.06 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF PINE VIEW

ROAD AND THE SOUTHEAST CORNER OF LOT 3 IN SAID SPRUCE MOUNTAIN ESTATES, UNIT 2; THENCE ALONG SAID WESTERLY LINE OF PINE VIEW ROAD THE FOLLOWING FOUR (4) CONSECUTIVE COURSES: (1) THENCE N 14°25'41" E, 69.21 FEET TO A POINT OF CURVATURE; (2) THENCE 211.32 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 357.14 FEET AND A CENTRAL ANGLE OF 33°54'08" TO A POINT OF TANGENCY; (3) THENCE N 19°28'27" W, 172.40 FEET TO A POINT OF CURVATURE; (4) THENCE 30.00 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 756.61 FEET AND A CENTRAL ANGLE OF 02°15'57" TO THE SOUTHEAST CORNER OF LOT 5 OF SAID SPRUCE MOUNTAIN ESTATES, UNIT 2; THENCE ALONG SAID LOT 5 THE FOLLOWING FOUR (4) CONSECUTIVE COURSES: (1) THENCE S 72°16'51" W, 331.71 FEET TO THE EASTERLY LINE OF A CUL-DE-SAC FOR PINE VIEW CIRCLE AS ESTABLISHED IN SAID SPRUCE MOUNTAIN ESTATES, UNIT 2; (2) THENCE 58.13 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 74°01'06" AND A CHORD BEARING N 54°43'42" W, 54.17 FEET ALONG SAID CUL-DE-SAC; (3) THENCE N 01°44'15" W, 288.32 FEET TO THE NORTH LINE OF SAID SPRUCE MOUNTAIN ESTATES, UNIT 2; (4) THENCE N 89°41'24" E, 335.00 FEET ALONG THE SAID NORTH LINE OF UNIT 2 TO THE WESTERLY LINE OF SAID PINE VIEW ROAD; THENCE N 00°01'40" E, 420.00 FEET; THENCE S 89°41'24" W, 605.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF PERRY PARK ROAD OR DOUGLAS COUNTY ROAD NO. 105; THENCE N 00°08'54" W, 1557.88 FEET ALONG THE EAST LINE OF SAID PERRY PARK ROAD TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE N 89°46'20" E, 2642.32 FEET TO THE NORTHEAST CORNER OF SAID SECTION 29; THENCE N 0°37'51" W, 662.72 FEET ALONG THE EAST LINE OF SOUTHEAST QUARTER SAID SECTION 20 TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 20; THENCE S 89°43'45" W, 2615.02 FEET ALONG SAID NORTH LINE TO THE EAST RIGHT-OF-WAY LINE OF SAID PERRY PARK ROAD; THENCE ALONG SAID EAST LINE OF PERRY PARK ROAD THE FOLLOWING TEN (10) CONSECUTIVE COURSES: (1) N 05°49'37" W, 73.17 FEET; (2) THENCE N 00°47'56" E, 282.14 FEET; (3) THENCE N 13°11'06" E, 570.40 FEET; (4) THENCE N 01°48'28" E, 1095.93 FEET; (5) THENCE N 12°03'57" E, 765.16 FEET; (6) THENCE N 20°57'42" E, 67.54 FEET; (7) THENCE N 04°29'35" W, 258.73 FEET; (8) THENCE N 10°32'58" W, 884.30 FEET; (9) THENCE N 10°16'12" W, 493.03 FEET; (10) THENCE N 36°00'04" W, 254.84 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE S 89°52'04" E, 2624.69 FEET TO THE NORTHEAST CORNER OF SAID SECTION 20; THENCE N 00°04'49" E, 2688.51 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 16; THENCE N 00°03'49" E, 2682.29 FEET TO THE NORTHWEST CORNER OF SAID SECTION 16, THE TRUE POINT OF BEGINNING, CONTAINING 2373.98 ACRES, MORE OR LESS.

AND

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE S 89°55'12" E, 639.66 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S 89°55'12" E, 361.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE DENVER & RIO GRANDE WESTERN RAILROAD; THENCE LEAVING SAID NORTH LINE S 43°47'00" W, 858.68 FEET

ALONG SAID WESTERLY LINE OF THE DENVER & RIO GRANDE WESTERN RAILROAD TO THE COMMON EASTERLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD AND THE DENVER & RIO GRANDE WESTERN RAILROAD; THENCE ALONG SAID COMMON EASTERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES: (1) THENCE 224.60 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1492.50 FEET, A CENTRAL ANGLE OF 08°40'50" AND A CHORD BEARING N 19°37'25" E, 224.39 FEET TO A POINT OF TANGENCY; (2) THENCE N 15°17'00" E, 130.00 FEET TO A POINT OF CURVATURE; (3) THENCE 310.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1096.00 FEET, A CENTRAL ANGLE OF 16°12'41" AND A CHORD BEARING N 23°23'21" E, 309.07 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27 AND THE TRUE POINT OF BEGINNING AND CONTAINING 2.71 ACRES, MORE OR LESS.

AND

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE S 26°58'26" E, 512.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SPRUCE MOUNTAIN ROAD OR DOUGLAS COUNTY ROAD NO. 53, AND THE TRUE POINT OF BEGINNING; THENCE S 75°31'15" E, 92.96 FEET; THENCE N 21°15'08" E, 110.00 FEET TO THE COMMON WESTERLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD AND THE DENVER & RIO GRANDE WESTERN RAILROAD; THENCE ALONG SAID COMMON WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) CONSECUTIVE COURSES: (1) THENCE S 74°43'00" E, 25.00 FEET TO A POINT OF TANGENCY; (2) THENCE 580.49 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1392.50 FEET, A CENTRAL ANGLE OF 24°03'28" AND A CHORD BEARING S 27°18'44" W, 576.24 FEET TO A POINT OF COMPOUND CURVATURE; (3) THENCE 367.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET, A CENTRAL ANGLE OF 03°42'34" AND A CHORD BEARING S 41°11'45" W, 367.67 FEET TO A POINT OF REVERSE CURVATURE; (4) THENCE 683.75 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 3185.40 FEET, A CENTRAL ANGLE OF 12°17'55" AND A CHORD BEARING S 36°54'04" W, 682.53 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID SPRUCE MOUNTAIN ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SPRUCE MOUNTAIN ROAD THE FOLLOWING THREE (3) CONSECUTIVE COURSES: (1) THENCE N 30°45'07" E, 963.00 FEET; (2) THENCE S 59°14'53" E, 10.00 FEET; (3) THENCE N 30°45'07" E, 511.08 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 2.77 ACRES, MORE OR LESS.

AND

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTHEAST QUARTER OF SECTION 28, AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE S 89°53'20" W, 2013.37 FEET ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 33 TO THE WESTERLY RIGHT-OF-WAY LINE



OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 89°53'20" W, 495.06 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE DENVER & RIO GRANDE RAILROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES: (1) THENCE N 58°22'07" E, 214.09 FEET TO A POINT OF CURVATURE; (2) THENCE 1246.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2050.00 FEET AND A CENTRAL ANGLE OF 34°51'00" TO A POINT OF TANGENCY; (3) THENCE N 23°31'07" E, 1312.20 FEET TO A POINT OF CURVATURE; (4) THENCE 611.29 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 5870.00 FEET AND A CENTRAL ANGLE OF 05°58'00" TO A POINT OF TANGENCY; (5) THENCE N 17°33'07" E, 215.10 FEET TO A POINT OF CURVATURE; (6) THENCE 627.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2725.00 FEET AND A CENTRAL ANGLE OF 13°12'00" TO A POINT OF COMPOUND CURVATURE; (7) THENCE 701.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3085.40 FEET AND A CENTRAL ANGLE OF 13°01'53" TO A POINT OF TANGENCY; (8) THENCE N 43°47'00" E, 430.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) CONSECUTIVE COURSES: (1) THENCE 175.35 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1860.00 FEET, A CENTRAL ANGLE OF 05°24'05" AND A CHORD BEARING S 19°44'58" W, 175.28 FEET TO A POINT OF TANGENCY; (2) THENCE S 22°27'00" W, 3644.50 FEET TO A POINT OF CURVATURE; (3) THENCE 615.29 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1302.50 FEET AND A CENTRAL ANGLE OF 25°30'00" TO A POINT OF TANGENCY; (4) THENCE S 47°57'00" W, 605.45 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 33, THE TRUE POINT OF BEGINNING, CONTAINING 34.56 ACRES, MORE OR LESS.

AND

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE S 89°53'20" W, 564.52 FEET ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S 89°53'20" W, 1229.72 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES: (1) THENCE N 47°57'00" E, 494.15 FEET TO A POINT OF CURVATURE; (2) THENCE 659.50 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1482.50 FEET AND A CENTRAL ANGLE OF 25°30'00" TO A POINT OF TANGENCY; (3) THENCE N 22°27'00" E, 505.87 FEET; THENCE LEAVING SAID EASTERLY LINE S 89°59'58" E, 262.13 FEET ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHEAST QUARTER TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE S 01°16'53" E, 1331.16 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID NORTHEAST QUARTER, THE TRUE POINT OF BEGINNING, CONTAINING 19.53 ACRES, MORE OR LESS.

EXCEPT

76056

A 60-FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN BOOK 1, PAGE 4, AND IN BOOK 1, PAGE 38, OF THE DOUGLAS COUNTY RECORDS AND SITUATED IN THE WEST HALF OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 16; THENCE N 00°03'49" E, 190.62 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF NOE ROAD OR DOUGLAS COUNTY ROAD NO. 74 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 00°03'49" E, 60.67 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NOE ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF NOE ROAD THE FOLLOWING SEVEN (7) CONSECUTIVE COURSES: (1) THENCE S 81°23'12" E, 216.12 FEET; (2) THENCE N 81°19'55" E, 626.00 FEET; (3) THENCE N 88°31'31" E, 321.31 FEET; (4) THENCE S 85°43'37" E, 894.70 FEET; (5) THENCE S 80°09'04" E, 125.36 FEET; (6) THENCE S 68°23'15" E, 183.01 FEET; (7) THENCE S 61°53'53" E, 553.85 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 16; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE OF NOE ROAD S 00°13'30" E, 68.16 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 16 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID NOE ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NOE ROAD THE FOLLOWING SEVEN (7) CONSECUTIVE COURSES: (1) THENCE N 61°53'53" W, 382.79 FEET; (2) THENCE N 68°23'15" W, 173.42 FEET; (3) THENCE N 80°09'04" W, 219.26 FEET; (4) THENCE N 85°43'37" W, 888.77 FEET; (5) THENCE S 88°31'31" W, 314.52 FEET; (6) THENCE S 81°19'55" W, 651.35 FEET; (7) THENCE N 81°23'12" W, 216.22 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 16, THE TRUE POINT OF BEGINNING, AND CONTAINING 3.75 ACRES, MORE OR LESS

SPRUCE MOUNTAIN RANCH AS DESCRIBED ABOVE CONTAINS 2429.90 ACRES, MORE OR LESS.

KK&NA, INC.  
1/22/87