

## SPECIAL WARRANTY DEED

**THIS DEED**, made this 30<sup>th</sup> day of June, 2004, by and between Eagle Pointe Development, LLC, a Colorado limited liability company, Grantor, and Randal L. Olson and DuWayne M. Andersen and Terrence J. Peters, Grantees;

**WITNESSETH**, That the Grantor, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantees, and their successors and assigns forever, the following water and water rights, located in the County of Douglas, State of Colorado:

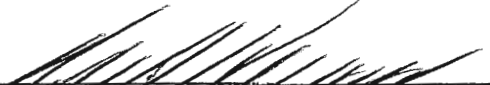
Any and all Denver, Arapahoe, and Laramie-Fox Hills aquifer groundwater underlying 1480.8 acres of land as described on Exhibit A hereto, as decreed in Case No. 86CW56, District Court, Water Division 1, except for 28 acre-feet per year of Denver aquifer groundwater conveyed in deeds recorded in the records of Douglas County, Colorado at Reception Nos. 2003009369 and 2003028595, and any and all Dawson aquifer groundwater underlying 1020.8 acres of land as described on Exhibit B hereto, as decreed in Case No. 86CW57 and 03CW274, District Court, Water Division 1, subject to the terms and conditions of that certain Deed of Conservation Easement recorded in the records of Douglas County, Colorado at Reception No. 2003009368.

**TOGETHER WITH** all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described with the appurtenances, unto the Grantees, and their successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that it shall **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the Grantees, and their successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Grantor provides no warranty to the quality of groundwater conveyed herein.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

EAGLE POINTE DEVELOPMENT, LLC

  
\_\_\_\_\_  
Rex A. Weimer, Managing Member

STATE OF COLORADO

)

) ss.

COUNTY OF \_\_\_\_\_

)

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of June, 2004, by Rex A. Weimer as Managing Member of Eagle Pointe Development, LLC.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_



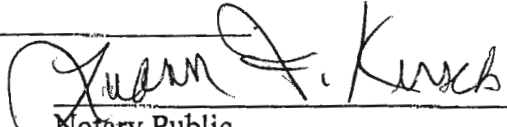
  
\_\_\_\_\_  
Notary Public

EXHIBIT A  
DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS  
1480.8 ACRES TOTAL

PROPERTY DESCRIPTION: (930.79 ACRES)

A tract of land situated in Sections 15, 16, 21, 22, 28 and 29, Township 10 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Beginning at the Southwest corner of Section 21 and considering the West line of the Southwest ¼ of Section 21 to bear N. 00°38'07"W with all bearings contained herein relative thereto;

Thence N 00°38'07"W a distance of 2650.87 feet to the Southwest corner of the Northwest ¼ of Section 21;

Thence N 00°47'27"W along the West line of said Northwest ¼ a distance of 1311.74 feet;

Thence N 59°59'42"E a distance of 327.32 feet;

Thence N 50°34'33"E a distance of 762.58 feet;

Thence N 30°20'08"E a distance of 233.54 feet;

Thence N 00°05'01"E a distance of 3443.67 feet to the South Right of Way line of Noe Road;

Thence Easterly along said South Right of Way for the next eight (8) courses:

1. Thence N 88°31'31"E a distance of 142.47 feet;

2. Thence S 85°43'37"E a distance of 888.77 feet;

3. Thence S 80°09'04"E a distance of 119.26 feet;

4. Thence S 68°23'15"E a distance of 173.42 feet;

5. Thence S 61°53'53"E a distance of 394.84 feet;

6. Thence S 89°25'21"E a distance of 2657.52 feet;

7. Thence S 88°05'18"E a distance of 794.15 feet;

8. Thence S 89°19'17"E a distance of 544.61 feet to the East line of the West ½ of the Southwest ¼ of Section 15;

Thence S 00°29'11"E along said East line a distance of 150.00 feet;

Thence N 88°56'31"W a distance of 808.53 feet;

Thence S 43°34'05"W a distance 1451.97 feet;

Thence S 00°21'35"E a distance of 2195.58 feet;

Thence S 31°41'02"E a distance of 853.23 feet;

Thence S 00°19'10"E a distance of 424.55 feet;

Thence S 89°56'58"E a distance of 505.11 feet;

Thence S 00°02'55"E a distance of 1240.84 feet;

Thence S 75°47'24"W a distance of 1942.14 feet;

Thence S 02°55'38"W a distance of 709.48 feet;

Thence S 47°09'11"W a distance of 1515.52 feet;

Thence S 71°12'33"W a distance of 2049.71 feet;

Thence S 01°00'47"W a distance of 224.61 feet;

Thence S 89°41'24"W a distance of 1648.67 feet;

Thence S 62°12'56"W a distance of 1184.45 feet;

Thence S 89°41'24"W a distance of 823.61 feet to the East Right of Way line of County Road 105;

Thence N 00°08'54"W along said East Right of Way line a distance of 1400.83 feet to the North line of the Northeast ¼ of Section 29;

Thence N 89°46'20"E a distance of 2641.32 feet to the point of beginning;

Containing 930.79 acres, more or less.

## PROPERTY DESCRIPTION: PARCEL 11 (90.01 ACRES)

A tract of land situated in Sections 16 and 21, Township 10 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Beginning at the Southwest corner of Section 16 and considering the West line of the Southwest  $\frac{1}{4}$  of Section 16 to bear N 00°04'49"E with all bearings contained herein relative thereto;

Thence N 00°04'49"E a distance of 2688.51 feet to the Southwest corner of the Northwest  $\frac{1}{4}$  of Section 16;

Thence N 00°03'49"E along the West line of the Northwest  $\frac{1}{4}$  of Section 16 a distance of 190.62 feet to the South Right of Way line of Noe Road;

Thence S 81°23'12"E along said South right of Way line a distance of 216.22 feet;

Thence N 81°19'55"E along said South Right of Way line a distance of 631.55 feet;

Thence N 88°31'31"E along said South Right of way line a distance of 172.05 feet;

Thence S 00°05'01"W a distance of 3443.67 feet;

Thence S 30°20'08"W a distance of 233.54 feet;

Thence S 50°34'33"W a distance of 762.58 feet;

Thence S 59°59'42"W a distance of 327.32 feet to the West line of the Northwest  $\frac{1}{4}$  of Section 21;

Thence N 00°47'27"W a distance of 1346.97 feet to the point of beginning;

Containing 90.01 acres, more or less.

## PROPERTY DESCRIPTION: TRACT 1 (420.00 ACRES)

A tract of land situated in Sections 15, 21, 22, 28 and 29, Township 10 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows;

Beginning at the Northeast corner of Section 28 and considering the East line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of Section 28 to bear S 00°12'31"E with all bearings contained herein relative thereto;

Thence S 00°12'31"E a distance of 1311.87 feet to the Southeast corner of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$ ;

Thence S 89°57'39"W along the South line of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  a distance of 2515.35 feet;

Thence S 69°15'35"W a distance of 370.00 feet;

Thence S 80°30'00"W a distance of 713.00 feet;

Thence N 26°50'00"W a distance of 158.00 feet;

Thence N 00°45'00"W a distance of 107.00 feet to the South line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of Section 28;

Thence S 89°57'47"W along said South line a distance of 1705.15 feet;

Thence along the boundary of Spruce Mountain Estates Unit 2, for the next 8 (eight) courses;

1. Thence N 00°18'36"W a distance of 428.00 feet;

2. Thence S 89°41'24"W a distance of 761.97 feet;

3. Thence S 00°18'36"E a distance of 428.00 feet;

4. Thence S 89°41'24"W a distance of 570.00 feet;

5. Thence S 00°02'00"W a distance of 660.00 feet;

6. Thence S 89°41'24"W a distance of 715.00 feet;

7. Thence N 00°01'40"E a distance of 420.00 feet;

8. Thence S 89°41'24"W a distance of 605.00 feet to the East Right of Way line of County Road 105;

Thence N 00°08'54"W along said East Right of Way line a distance of 157.05 feet;

Thence N 89°41'24"E a distance of 823.61 feet;

Thence N 62°12'56"E a distance of 1184.45 feet;

Thence N 89°41'24"E a distance of 1548.67 feet;

Thence N 01°00'47"E a distance of 224.61 feet;

Thence N 71°12'33"E a distance of 2049.71 feet;

Thence N 47°09'11"E a distance of 1515.52 feet;

Thence N 02°55'28"E a distance of 709.48 feet;

Thence N 75°47'24"E a distance of 1942.14 feet;  
Thence N 00°02'55"W a distance of 3572.03 feet;  
Thence S 89°39'06"W a distance of 857.07 feet;  
Thence N 00°21'35"W a distance of 850.45 feet;  
Thence N 43°34'05"E a distance of 1451.97 feet;  
Thence S 88°56'31"E a distance of 608.53 feet to the East line of the West ½ of the Southwest ¼ of Section 15;  
Thence S 00°29'11"E a distance of 2442.17 feet to the Southeast corner of the West ½ of the Southwest ¼ of Section 15;  
Thence S 00°43'51"E a distance of 2635.47 feet to the Southeast corner of the West ½ of the Northwest ¼ of Section 22;  
Thence S 00°43'50"E a distance of 2637.86 feet to the Southeast corner of West ½ of the Southwest ¼ of Section 22;  
Thence N 89°51'16"W a distance of 1336.14 feet to the point of beginning;  
Containing 420.00 acres more or less.

PROPERTY DESCRIPTION: TRACT 2 (40.00 ACRES)

A tract of land situated in Sections 15, 16, 21 and 22, Township 10 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Commencing at the Southeast corner of the West ½ of the Northwest ¼ of Section 22 and considering the East line of said West ½ of the Northwest ¼ to bear N 00°43'51"W with all bearings contained herein relative thereto;

Thence N 42°53'40"W a distance of 1174.05 feet to the true point of beginning;

Thence N 89°56'58"W a distance of 505.11 feet;

Thence N 00°19'10"W a distance of 424.55 feet;

Thence N 31°41'02"W a distance of 653.28 feet;

Thence N 00°21'35"W a distance of 1345.11 feet;

Thence N 89°39'06"E a distance of 857.07 feet;

Thence S 00°02'55"E a distance of 2331.19 feet to the point of beginning;

Containing 40.00 acres more or less.

TOGETHER WITH an access easement described as follows;

Beginning at the Northwest corner of Tract 2 (described above);

Thence S 00°21'35"E along the West line of Tract 2 a distance of 300.00 feet;

Thence S 89°38'25"W a distance of 60.00 feet;

Thence N 00°21'35"W a distance of 1174.65 feet;

Thence N 43°34'05"E a distance of 1476.17 feet to the South Right of Way line of Noe road;

Thence S 88°05'18"E along said South Right of Way line a distance of 7.04 feet;

Thence S 89°19'17"E along said Right of Way line a distance of 74.71 feet;

Thence S 43°34'05"W a distance of 1651.16 feet;

Thence S 00°21'35"E a distance of 850.45 feet to the point of beginning;

EXHIBIT B  
DAWSON AQUIFER  
1020.8 ACRES TOTAL

PROPERTY DESCRIPTION: (930.79 ACRES)

A tract of land situated in Sections 15, 16, 21, 22, 28 and 29, Township 10 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Beginning at the Southwest corner of Section 21 and considering the West line of the Southwest  $\frac{1}{4}$  of Section 21 to bear N. 00°38'07"W with all bearings contained herein relative thereto;

Thence N 00°38'07"W a distance of 2650.87 feet to the Southwest corner of the Northwest  $\frac{1}{4}$  of Section 21;

Thence N 00°47'27"W along the West line of said Northwest  $\frac{1}{4}$  a distance of 1311.74 feet;

Thence N 59°59'42"E a distance of 327.32 feet;

Thence N 50°34'33"E a distance of 762.58 feet;

Thence N 30°20'08"E a distance of 233.54 feet;

Thence N 00°05'01"E a distance of 3443.67 feet to the South Right of Way line of Noe Road;

Thence Easterly along said South Right of Way for the next eight (8) courses:

1. Thence N 88°31'31"E a distance of 142.47 feet;

2. Thence S 85°43'37"E a distance of 888.77 feet;

3. Thence S 80°09'04"E a distance of 119.26 feet;

4. Thence S 68°23'15"E a distance of 173.42 feet;

5. Thence S 61°53'53"E a distance of 334.84 feet;

6. Thence S 89°25'21"E a distance of 2657.52 feet;

7. Thence S 88°05'18"E a distance of 794.15 feet;

8. Thence S 89°19'17"E a distance of 544.61 feet to the East line of the West  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15;

Thence S 00°29'11"E along said East line a distance of 150.00 feet;

Thence N 88°56'31"W a distance of 608.53 feet;

Thence S 43°34'05"W a distance 1451.97 feet;

Thence S 00°21'35"E a distance of 2195.58 feet;

Thence S 31°41'02"E a distance of 653.28 feet;

Thence S 00°19'10"E a distance of 424.55 feet;

Thence S 89°56'58"E a distance of 505.11 feet;

Thence S 00°02'55"E a distance of 1240.84 feet;

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Thence S 47°09'11"W a distance of 1515.52 feet;

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Thence S 89°41'24"W a distance of 1648.67 feet;

Thence S 62°12'56"W a distance of 1184.45 feet;

Thence S 89°41'24"W a distance of 823.61 feet to the East Right of Way line of County Road 105;

Thence N 00°08'54"W along said East Right of Way line a distance of 1400.83 feet to the North line of the Northeast  $\frac{1}{4}$  of Section 29;

Thence N 89°46'20"E a distance of 2641.32 feet to the point of beginning;

Containing 930.79 acres, more or less.

## PROPERTY DESCRIPTION: PARCEL 11 (90.01 ACRES)

A tract of land situated in Sections 16 and 21, Township 10 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Beginning at the Southwest corner of Section 16 and considering the West line of the Southwest  $\frac{1}{4}$  of Section 16 to bear N 00°04'49"E with all bearings contained herein relative thereto;

Thence N 00°04'49"E a distance of 2688.51 feet to the Southwest corner of the Northwest  $\frac{1}{4}$  of Section 16;

Thence N 00°03'49"E along the West line of the Northwest  $\frac{1}{4}$  of Section 16 a distance of 190.62 feet to the South Right of Way line of Noe Road;

Thence S 81°23'12"E along said South right of Way line a distance of 216.22 feet;

Thence N 81°19'55"E along said South Right of Way line a distance of 631.55 feet;

Thence N 88°31'31"E along said South Right of way line a distance of 172.05 feet;

Thence S 00°05'01"W a distance of 3443.67 feet;

Thence S 30°20'08"W a distance of 233.54 feet;

Thence S 50°34'33"W a distance of 762.58 feet;

Thence S 59°59'42"W a distance of 327.32 feet to the West line of the Northwest  $\frac{1}{4}$  of Section 21;

Thence N 00°47'27"W a distance of 1346.97 feet to the point of beginning;

Containing 90.01 acres, more or less.