

DISTRICT COURT, WATER DIVISION 2, COLORADO  
Case No. 97CW51

DEC 01 1998

FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE

IN THE MATTER OF THE APPLICATION FOR GROUNDWATER RIGHTS OF AND PLANS  
FOR AUGMENTATION OF HEMCO, INC. IN EL PASO COUNTY

DISTRICT COURT, WATER DIVISION 1, COLORADO  
Case No. 97CW190

IN THE MATTER OF THE APPLICATION FOR GROUNDWATER RIGHTS OF AND PLANS  
FOR AUGMENTATION OF HEMCO, INC. IN EL PASO COUNTY

FILED IN THE OFFICE OF THE CLERK,  
DISTRICT COURT WATER DIV. NO. 2  
STATE OF COLORADO

1. Applicant: Hemco, Inc.  
751 Chambers Road, #201  
Aurora, Colorado 30011  
(303) 344-3073.

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CLERK

2. Applications were filed in June 1997 in both Water Division 1 and Water Division 2. Notice was published as required by law.

3. Statements of Opposition were filed by the City of Thornton, City of Colorado Springs and Robert Bauman. The time for filing Statements of Opposition has expired.

4. Pursuant to Motion by the Applicant, the panel on Multi District Litigation transferred Case No. 97CW190 Water Division 1 to the District Court, Water Division 2, and consolidated it for all purposes with Case No. 97CW51 Water Division 2 for disposition by the Water Judge of Water Division 2.

5. A Referee's Hearing was held July 7, 1998, pursuant to notice to all parties. The Applicant appeared by counsel. The City of Thornton and the City of Colorado Springs did not appear, having previously stipulated to the form of a ruling to be entered. Robert Bauman did not appear and is in default.

6. The Application seeks a decree confirming groundwater rights underlying a parcel of land located partly in Water Division 1 and partly in Water Division 2, together with plans for augmentation allowing use of not nontributary groundwater for development of the subject land and other uses.

7. The subject land is approximately 157 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$  Section 7 and W $\frac{1}{2}$ SW $\frac{1}{4}$  Section 8, Township 11 South, Range 66 West, 6th P.M., El Paso County, more particularly described in Exhibit A, attached and incorporated by this reference, known as the Tall Pines Ranch subdivision. The subject land is not located in a designated basin.

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7.1 The Application originally sought adjudication of groundwater rights underlying 160 acres of land, including approximately 3 acres owned by objector Robert Bauman. Mr. Bauman has not consented to applicant's withdrawal and use of groundwater underlying his land and applicant disclaims any such right. The subject land described in Exhibit A does not include any part of Mr. Bauman's land.

#### GROUNDWATER RIGHTS

8. Applicant is entitled to a decree confirming its right to all groundwater in the nontributary Dawson and Denver aquifers and the nontributary Arapahoe and Laramie Fox Hills aquifers underlying the subject land.

9. The groundwater may be withdrawn at rates of flow necessary to efficiently withdraw the amounts decreed herein so long as the permitted rates are not exceeded. The groundwater will be withdrawn through any number of wells necessary, to be located at any location on the subject property, so long as each well is located within 200 feet of its permitted location, in the following annual amounts, subject to adjustment as provided in paragraphs 10 and 44:

<u>AQUIFERS</u>	<u>AMOUNT</u>
Dawson (NNT)	126 acre feet
Denver (NNT)	142 acre feet
Arapahoe (NT)	73 acre feet
Laramie Fox Hills (NT)	47 acre feet

These amounts are based on the Determinations of Facts by the State Engineer dated September 11 and September 12, 1997 adjusted for the exclusion of Mr. Bauman's land as described in paragraph 6.1.

10. Use: All beneficial uses, including domestic, irrigation, commercial, recreation, aesthetic, and industrial. Use may be made directly, after storage, by exchange or augmentation of other diversions.

11. Final determination of the applicable average saturated sand thicknesses and resulting average annual amounts available to applicant will be made pursuant to the retained jurisdiction of this Court as described in paragraph 44 below.

12. The allowed annual amount of groundwater which may be withdrawn through the wells specified above and any additional wells pursuant to C.R.S. §37-90-137(10) may exceed the average annual amount of withdrawal decreed herein for that aquifer as long as the total volume of water withdrawn through such wells and any additional wells subsequent to the date of this decree does not exceed the product of the number of years since the date of this decree multiplied by the

average annual amount of withdrawal decreed herein for that aquifer or as adjusted and does not exceed the amount set forth in the applicable well permits.

13. The groundwater to be withdrawn from the Arapahoe and Laramie Fox Hills aquifers is "nontributary groundwater" as defined in C.R.S. §37-90-103(10.5) and in the Denver Basin rules. Applicant may not consume more than 98% of the annual quantity of water withdrawn from the nontributary Arapahoe and Laramie Fox Hills aquifers. The relinquishment of 2% of the annual amount of water withdrawn to the stream system as required by the Denver Basin rules may be satisfied by any methods selected by the applicant and accepted as satisfactory to the state engineer so long as applicant can demonstrate that an amount equal to 2% of such withdrawals has been relinquished to the stream system.

14. The groundwater to be withdrawn from the Dawson and Denver aquifers is "not nontributary groundwater" as defined in C.R.S. §37-90-103(10.7) and such water may be withdrawn pursuant to the plans for augmentation approved herein.

15. There is unappropriated groundwater available for withdrawal from the subject aquifers beneath the subject land and the vested water rights of others will not be materially injured by such withdrawals as described herein. Withdrawals hereunder are allowed on the basis of an aquifer life of 100 years, assuming no substantial artificial recharge within 100 years. No material injury to vested water rights of others will result from the issuance of permits for wells which will withdraw nontributary groundwater or the exercise of the rights and limitations specified in this decree.

16. Applicant may construct additional and replacement wells in order to maintain levels of production to meet water supply demands or to recover the entire amount of groundwater in the subject aquifers underlying the subject land. As additional wells are planned, permit applications shall be filed in accordance with C.R.S. §37-90-137(10). Two or more wells constructed into a given 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 from any given aquifer through any combination of wells within the well field. In considering applications for permits for wells or additional wells to withdraw the groundwater which is the subject of this decree, the state engineer shall be bound by this decree and shall issue said permits in accordance with the provisions of C.R.S. §37-90-137(10). The initial individual residential well in the Dawson and Denver aquifers authorized by the plans for augmentation below are not "additional" or "replacement" wells subject to this paragraph.

PLAN FOR AUGMENTATION - DAWSON AQUIFER

17. The structures to be augmented are individual residential Dawson aquifer wells. Up to 53 wells will be drilled, one per lot within the Tall Pines Ranch Subdivision.

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18. The source of water for augmentation will be return flow from the use of not-nontributary or nontributary groundwater; direct discharge of nontributary or augmented not nontributary groundwater.

19. Statement of Plan for Augmentation:

19.1 Use to be augmented: Residential use: Outdoor use will be limited by covenant to 2500 square feet per home served by either the Dawson or the Denver aquifer. Total use is estimated not to exceed an average of 23.45 af/yr.

19.2 Depletions: Depletions from pumping from the Dawson aquifer will affect primarily Monument Creek and, to a lesser extent, Kettle Creek in Water Division 2, and primarily East and West Cherry Creek and to a lesser extent East Plum Creek in Water Division 1. Augmentation of depletions to Cherry Creek and to Monument Creek as provided herein will prevent material injury to vested water rights and decreed conditional water rights of others.

19.3 Return Flow: Return flow will accrue to both Monument Creek and Cherry Creek. 115 acres of the subject land (73%) is tributary to Cherry Creek, and 42 acres (27%) is tributary to Monument Creek.

19.4 Augmentation of pumping period depletions: Return flow from use of the water to Cherry Creek and to Monument Creek will exceed depletions to each system. Therefore, no separate release of augmentation water is required, and no separate accounting need be made.

19.5 Augmentation of post-pumping depletions:

19.5.1. Assuming pumping from the Dawson aquifer at the rate of 23.45 acre feet per year, the Dawson aquifer will provide at least 300 years' supply. Post-pumping depletions shall be calculated assuming average pumping of 23.45 acre feet per year for 300 years. The maximum depletion to the Monument Creek system, including Kettle Creek will be approximately 2.5 acre feet in the 307th year. The maximum depletion to the South Platte River system, including East Plum Creek, will be approximately 2.5 acre feet in the 307th year. Depletions in each year shall be calculated as shown in the stream depletion curve attached hereto as Exhibit B and incorporated by this reference, which curve was prepared using the State Engineer's Denver Basin model, as set forth in the Determination of Facts.

19.5.2 Applicant shall replace post-pumping depletions by (a) discharge of waste water from in-house use and return flow from irrigation of lawns and gardens resulting from the use of not nontributary or nontributary

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groundwater available under this decree or (b) subject to paragraph 28, discharge of nontributary groundwater from the Arapahoe or Laramie Fox Hills aquifers to appropriate locations within the subject property tributary to Monument Creek and to Cherry Creek. The amount to be replaced shall be calculated from the stream depletion curve in Exhibit B.

19.5.3 Applicant shall reserve and convey to a homeowners association or other appropriate entity 1523 acre feet of water from the Arapahoe aquifer and all of the water from the Laramie Fox Hills aquifer to be held and reserved for replacement of post-pumping depletions. Subject to paragraph 28, at the time post-pumping depletion replacement is required, a well shall be drilled and completed capable of discharging to lands tributary to both Monument Creek and Cherry Creek.

19.5.4 Applicant shall replace post-pumping depletions for the shortest of the following periods: the period provided by C.R.S. §37-90-137(9)(c); the expressed period specified by the Colorado Legislature should it specify one and provided the applicant obtains Water Court approval for such modification; the period determined by the State Engineer should he choose to set such a period and have jurisdiction to do so; the period established through rulings of the Colorado Supreme Court in relevant cases; or until applicant petitions the Water Court and after notice to parties in this case has proved it has complied with any statutory requirement.

20. Operation of this plan for augmentation will prevent any material injury to the owner or use of any vested water right or decreed conditional right.

PLAN FOR AUGMENTATION - DENVER AQUIFER

21. The structures to be augmented are individual residential wells located anywhere within the property. Up to 53 individual residential wells may be constructed, one per lot within the subject land.

22. The source of augmentation water shall be return flow from the use of not nontributary or nontributary groundwater, direct discharge of nontributary groundwater.

23. Statement of Plan for Augmentation:

23.1 Use to be augmented: Residential use. Outdoor use will be limited by covenant to 2500 square feet per home served by either the Dawson or the Denver aquifer. Total use is estimated not to exceed an average of 23.45 af/yr.

23.2 Depletions: Depletions from pumping from the Denver aquifer will affect Monument Creek in Water Division 2 only.

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23.3 Return Flow: Return flow will accrue to Monument Creek and to Cherry Creek as described in paragraph 18.3.

23.4 Augmentation of pumping-period depletions: Return flow to Monument Creek from use of the water will exceed depletions. Therefore, no additional release of augmentation water is required and no separate accounting need be made.

23.5 Augmentation of post-pumping depletions:

23.5.1 Post-pumping depletions shall be calculated assuming average pumping of 23.45 af/yr for 300 years. The maximum depletion to Monument Creek will be approximately 1.3 af in the 580th year. Depletions in each year shall be calculated as shown in the stream depletion curve in Exhibit C, which curve was prepared using the State Engineer's Denver Basin model as set forth in the Determination of Facts.

23.5.2 Applicant shall replace post-pumping depletions by (a) discharge of waste water from in-house use and return flow from irrigation of lawns and gardens resulting from the use of not nontributary or nontributary groundwater available under this decree or (b) subject to paragraph 28, discharge of nontributary groundwater from the Arapahoe or Laramie Fox Hills aquifers to appropriate locations within the subject property tributary to Monument Creek. The amount to be replaced shall be calculated from the stream depletion curve in Exhibit C.

23.5.3 Applicant shall reserve and convey to a homeowners association or other appropriate entity 1523 acre feet of water from the Arapahoe aquifer and all of the water from the Laramie Fox Hills aquifer to be held and reserved for replacement of post-pumping depletions. This requirement is the same as, and not in addition to, the requirement of paragraph 19.5.3. Subject to paragraph 28, at the time post-pumping depletion replacement is required, a well shall be drilled and completed capable of discharging to lands tributary to Monument Creek.

23.5.4 Applicant shall replace post-pumping depletions for the shortest of the following periods: the period provided by C.R.S. §37-90-137(9)(c); the expressed period specified by the Colorado Legislature should it specify one and provided the applicant obtains Water Court approval for such modification; the period determined by the State Engineer should he choose to set such a period and have jurisdiction to do so; the period established through rulings of the Colorado Supreme Court in relevant cases; or until applicant petitions the Water Court and after notice to parties in this case have proved city has complied with any statutory requirement.

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24. Operation of this plan for augmentation will prevent any material injury to the owner or use of any vested water right or decreed conditional right.

FINDINGS AND CONDITIONS APPLICABLE TO BOTH PLANS FOR AUGMENTATION

25. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.

26. The substituted water, treated effluent from individual sewage disposal systems, is or will be of a quality and quantity so as to meet the requirements for which the water of senior appropriators has normally been used, provided the systems are properly designed and maintained.

27. Upon subdivision of the property, Applicant shall create a homeowners' association which all purchasers of lots shall be required to join. Applicant shall assign to the homeowners' association Applicants' interests and rights and responsibilities in and under these plans for augmentation. Applicant shall also assign to the homeowners' association (a) 1523 acre feet of the Arapahoe aquifer ground water, equivalent to 15.23 acre feet per year, and (b) all of the Laramie Fox Hills aquifer water as decreed herein. Applicant shall create restrictive covenants upon and running with the property which shall obligate the individual purchasers and the homeowners' association to carry out the requirements of this decree. This decree and the covenants shall be recorded in the real property records of El Paso County so that a title examination of the property or any part thereof shall reveal to all future purchasers the existence of this decree and the covenants.

28. The maximum depletion possible will occur if all homeowners in the Tall Pines Ranch subdivision switch over to using Denver aquifer wells, and depletions from pumping the Denver aquifer occur simultaneously with post-pumping depletions from previous pumping of the Dawson aquifer. Return flow from the uses described herein will always exceed even the maximum depletion possible to both Monument Creek and Cherry Creek. Under any possible combination of Dawson, Denver and Arapahoe wells, return flow will always exceed depletions. Therefore, (1) any owner of a lot in Tall Pines Ranch may have a well in any one of the three aquifers (Dawson, Denver or Arapahoe) under this decree and the State Engineer shall issue permits accordingly, and (2) so long as the subject land remains in residential use as the Tall Pines Ranch subdivision, no separate release of augmentation water is required.

29. Due to soil conditions on the property, some of the lots may require engineered wastewater disposal systems that completely consume wastewater, resulting in no return flow from those units. No more than one third of the lots (17 lots) will require such engineered systems. The exact number of engineered systems will be determined as homes are built, but will not exceed 17 without further notice in this case pursuant to retained jurisdiction. The remaining lots (at least 35 lots) will have standard septic tank/leach field systems resulting in 10% consumptive use. The findings above in paragraphs 19.4, 23.4, and 28 that return flows are adequate to augment all depletions are based on using engineered systems with no return flow on up to 17 lots and standard systems on all other lots.

30. All of the return flow generated by the uses authorized by these plans for augmentation is dedicated to preventing injury under these plans. To the extent, if any, that return

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flows may exceed depletions at any time, the excess remains dedicated to these plans, and provides a margin of safety for the benefit of the objectors. Absent modification of this decree, no such "excess" return flows are available for other uses.

#### CONCLUSIONS OF LAW

31. The Water Court has jurisdiction over this proceeding pursuant to C.R.S. §37-90-137(6) and C.R.C.P. §42.1.

32. The application made is one contemplated by law. The application for a decree confirming Applicant's right to withdraw and use all unappropriated groundwater from the nontributary and not nontributary aquifers beneath the subject land should be granted subject to the provisions of this decree.

33. The withdrawal and use of 23.45 acre feet per year of water from the Dawson aquifer or 23.45 acre feet per year from the Denver aquifer in accordance with the terms of this decree will not result in material injury to the owner or user of any vested water right or decreed conditional water right.

34. The rights to groundwater determined herein shall not be administered in accordance with priority of appropriation. Such rights are not "conditional water rights". The determination of groundwater rights need not include a date of initiation of withdrawal.

35. Full and adequate notice of the application was given and the Court has jurisdiction over the subject matter and over all parties whether they have appeared or not.

36. C.R.S. §37-92-302(2) does not require that the application be supplemented with a well permit or evidence of its denial in order to confer jurisdiction on this Court.

#### JUDGMENT AND DECREE

37. The Findings of Fact and Conclusions of Law set forth above are incorporated here as if set forth in full.

38. The groundwater rights described in paragraphs 8-16 above are approved and decreed.

39. The plan for augmentation for withdrawals of groundwater from the Dawson aquifer described in paragraphs 17-20 above is approved and decreed, subject to all terms and conditions herein.

40. The plan for augmentation for withdrawals of groundwater from the Denver aquifer described in paragraphs 21-24 above is approved and decreed, subject to all terms and conditions herein.

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41. These plans for augmentation are approved based upon, *inter alia*, use of individual sewage disposal systems discharging by leach fields to groundwater and up to 17 engineered systems with no discharge. If any other wastewater treatment method is to be employed and the wastewater therefrom is to be used as the augmentation source for the plan decreed herein, or as a substitute supply associated with an exchange, Applicant shall first apply to the Court to amend this decree, utilizing the notice procedure then applicable to new applications.

42. The State Engineer shall issue well permits as described herein pursuant to C.R.S. §37-90-137(4). The owner of each lot in the Tall Pines Ranch subdivision shall be entitled to a permit for an individual residential well, subject to the terms hereof, allowing withdrawal of a share of the water available from the Dawson, Denver, and Arapahoe aquifers proportionate to the number of lots finally approved, not to exceed 53 lots. The owner of each lot will be entitled to withdraw .442 acre feet per year from the Dawson and Denver aquifers if all 53 lots are approved. As a result of the reservation of Arapahoe aquifer ground water for replacement of post-pumping depletions pursuant to paragraph 28, up to 57.77 acre feet per year may be withdrawn from the Arapahoe aquifer, or 1.1 acre feet per year per lot, if all 53 lots are approved.

43. Applicant or the homeowners association shall account for water use under this decree and report annually to the Division Engineer on forms required by the Division Engineer.

44. The Court retains jurisdiction as necessary to adjust the average annual amounts of groundwater available under the subject land to conform to actual local aquifer characteristics as determined from adequate information obtained from wells, pursuant to C.R.S. §37-92-305(11). Within sixty days after completion of the first well decreed herein in each aquifer or any test hole, Applicant shall serve copies of any geophysical or other log obtained from such well or test hole upon the State Engineer.

45. Pursuant to C.R.S. §37-92-304(6), the Court retains jurisdiction over the plans for augmentation decreed herein for reconsideration if the question of injury to the vested rights of others for a period of five (5) years from the date of issuance of the 25th individual residential well permit under this decree.

46. The Court retains jurisdiction to consider the conditions necessary to prevent injury in the event more than 17 lots in the Tall Pines Ranch subdivision require wastewater disposal systems other than standard septic tank/leach field systems.

DATED this 2<sup>nd</sup> day of November, 1998.

BY THE COURT:

By: Charles F. DiDomenico  
Charles DiDomenico, Referee  
Water Division 2

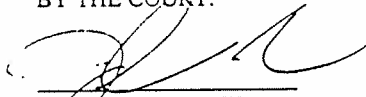
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NO PROTEST HAVING BEEN FILED, THE FOREGOING RULING OF THE REFEREE IS  
CONFIRMED AND MADE THE JUDGMENT AND ORDER OF THIS COURT.

November 25, 1998.

BY THE COURT:



John E. Anderson, III  
Water Judge, Division 2

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EXHIBIT A

TALL PINES RANCH  
LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 7, AND THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

EXCEPT

THAT PARCEL OF LAND IN THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS DESCRIBED IN BOOK 6012 AT PAGE 152, COUNTY OF EL PASO, STATE OF COLORADO.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING ASSUMED TO BEAR S00°14'28"E, 1326.90 FEET. MONUMENTED AT THE EAST ONE-SIXTEENTH CORNER OF SAID SECTION AND AT THE SOUTHEAST ONE-SIXTEENTH CORNER OF SAID SECTION BY A 1/2" IRON PIPE.

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8, BEING A 3/8" U.I.W.E. CAP ON T-POST;  
THENCE ALONG THE SOUTHERLY LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 8, N89°29'45"E, 1325.06 FEET, TO THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER, BEING A 5/8" U.I.W.E. CAP;  
THENCE ALONG THE EASTERLY LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER, N00°00'19"E, 1313.49 FEET, TO THE SOUTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 8;  
THENCE ALONG THE EASTERLY LINE OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER, N00°00'47"E, 1330.24 FEET, TO THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER, BEING A 3" ALUMINUM CAP STAMPED "W1/16 C--C S8 1995 25955";  
THENCE ALONG THE NORTHERLY LINE OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER, S89°45'53"W, 1317.86 FEET, TO THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 7, BEING A 3" ALUMINUM CAP STAMPED "T11S R66W 1/16 S7|S8 1994 25955";

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THENCE ALONG THE NORTHERLY LINE OF SAID NORTHEAST ONE-QUARTER OF THE  
SOUTHEAST ONE-QUARTER, N89°40'10"W, 1319.02 FEET, TO THE NORTHWEST CORNER OF  
SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, BEING A 3"  
ALUMINUM CAP STAMPED "LWA E1/16 C--C S7 1994 25955";

THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST ONE-QUARTER OF THE  
SOUTHEAST ONE-QUARTER, S00°14'28"E, 1326.11 FEET, TO THE NORTHWEST CORNER OF  
THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 7,  
BEING A 1/2" IRON PIPE;

THENCE ALONG THE WESTERLY LINE OF SAID SOUTHEAST ONE-QUARTER OF THE  
SOUTHEAST ONE-QUARTER, S00°14'28"E, 1326.90 FEET, TO THE SOUTHWEST CORNER OF  
SAID SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, BEING A 1/2" IRON  
PIPE;

THENCE ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST ONE-QUARTER OF THE  
SOUTHEAST ONE-QUARTER, S89°47'51"E, 949.44 FEET, TO THE SOUTHWEST CORNER OF  
THAT PARCEL AS DESCRIBED IN BOOK 6012 AT PAGE 459, FROM WHICH THE SOUTHEAST  
CORNER OF SAID SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF  
SECTION 7 BEARS S89°47'51"E, 350.82 FEET;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL IN BOOK 6012 AT PAGE 459,  
N00°12'09"E, 178.08 FEET, TO A POINT OF CURVATURE;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG THE ARC OF A CURVE TO THE  
RIGHT, WHOSE RADIUS BEARS S89°47'51"E, 100.00 FEET, HAVING A CENTRAL ANGLE OF  
45°00'00", AN ARC LENGTH OF 78.54 FEET, WHOSE CHORD BEARS N22°42'09"E, 76.54 FEET,  
TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID WESTERLY LINE, N45°12'09"E, 188.03 FEET, TO A POINT OF  
CURVATURE;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG THE ARC OF A CURVE TO THE  
RIGHT, WHOSE RADIUS BEARS S44°47'51"E, 100.00 FEET, HAVING A CENTRAL ANGLE OF  
20°00'00", AN ARC LENGTH OF 34.91 FEET, WHOSE CHORD BEARS N55°12'09"E, 34.91 FEET,  
TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID WESTERLY LINE, N65°12'09"E, 112.64 FEET, TO A POINT OF  
CURVATURE;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG THE ARC OF A CURVE TO THE  
LEFT, WHOSE RADIUS BEARS N24°47'51"W, 100.00 FEET, HAVING A CENTRAL ANGLE OF  
63°27'07", AN ARC LENGTH OF 109.00 FEET, WHOSE CHORD BEARS N33°58'36"E, 103.68 FEET,  
TO A POINT OF TANGENCY ON THE EASTERLY LINE OF SAID SOUTHEAST ONE-QUARTER  
OF THE SOUTHEAST ONE-QUARTER OF SECTION 7;

THENCE ALONG SAID EASTERLY LINE OF THE SOUTHEAST ONE-QUARTER OF THE  
SOUTHEAST ONE-QUARTER, S00°09'35"W, 535.46 FEET, TO THE POINT OF BEGINNING.

CONTAINING 6,839,275 SQUARE FEET (157.0081 ACRES), MORE OR LESS.

X 235100 W7 245101 PL LCL

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