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SFB 4366A9

SUBJECTION OF ADDITIONAL PROPERTY
to
DECLARATION OF PROTECTIVE COVENANTS
FOR PILGRIM DOWNS SUBDIVISION

DOC
8.00

REC
75.00

4366A B-548 P-195 10/22/90 12:23 PG 1 OF 15
JONNETTE PHILLIPS EAGLE COUNTY CLERK, COLORADO

The undersigned Alfred H. Williams ("Grantor") is the Grantor under the Declaration of Protective Covenants for Pilgrim Downs Subdivision recorded October 12, 1983, in Book 370, at Page 217, as amended by a document recorded August 8, 1984, in Book 391, at Page 833, Eagle County, Colorado (collectively the "Declaration"). Article 10 of the Declaration permits Grantor to subject future filings to the Declaration by recording a document so stating.

Grantor and Daniel E. Williams (collectively "Owners") together own the real property known as Pilgrim Downs-Phase II, according to the plat thereof recorded September 17, 1990, in Book 537, at Page 878, Eagle County, Colorado (the "Land"), and desire to subject it to the Declaration.

Grantor owns and hereafter intends to convey to the Association referred to in the Declaration, by Quit Claim Deed, the underground water rights, water storage rights, and other water rights [except the 2.5 acre-feet of historic consumptive use as determined in Paragraphs 19 and 25 of the decree dated April 20, 1982, in Consolidated Case Nos. 81CW60 and 80CW549 (Water Division No. 5) which Grantor has heretofore conveyed to said Association pursuant to Paragraph 4 of Appendix A to the August 4, 1984, Quit Claim Deed recorded in the Eagle County Clerk and Recorder's Office as Reception No. 288125] (hereinafter the "Water") referred to in and created by the Judgment and Decree entered in Case No. 87CW152 (Water Division No. 5, Colorado) (hereinafter the "Phase II Ruling") and desires to subject it to the Declaration. A copy of the Phase II Ruling is attached hereto.

Therefore, in consideration of the foregoing recitals:

1. Grantor hereby subjects the Land and the Water to the Declaration.
2. Owners hereby join in and consent to said subjection.
3. The Declaration, including in particular Article 13 thereof, shall be deemed supplemented as follows in order to account for the additional water rights hereinabove added:
 - (a) Lists of or references to water decrees, adjudications, and other rulings shall include the Phase II Ruling as appropriate.
 - (b) References to wells A through S shall mean wells A through Y.

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- (c) References to 19 individual wells shall mean 25 individual wells.
- (d) References to ponds 2 through 16 shall mean ponds 2 through 18.
- (e) The parenthetical reference to Pond No. 1 in Article 13.C shall mean Ponds No. 1, 19, and 20.

Dated this 15th day of October, 1990.

Alfred H. Williams
Alfred H. Williams

Daniel E. Williams
Daniel E. Williams

STATE OF COLORADO

COUNTY OF Eagle } ss.

15th The foregoing instrument was acknowledged before me this day of October, 1990, by Alfred H. Williams.

Witness my hand and official seal.

My commission expires: 3-26-92.

Margaret L. Tucker
Notary Public

Land Title & Trust Company
3033 E. High Street, Suite 600
Denver, Colorado 80206

STATE OF COLORADO

COUNTY OF Eagle } ss.

15th The foregoing instrument was acknowledged before me this day of October, 1990, by Daniel S. Williams.

Witness my hand and official seal.

My commission expires: 3-16-92.

Margaret L. Tucker
Notary Public

Land Title & Trust Company
3033 E. High Street, Suite 600
Denver, Colorado 80206

8.02.001.00187

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DISTRICT COURT, WATER DIVISION NO. 5, COLORADO

Case No. 87CW152

RULING OF THE REFEREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

ALFRED H. WILLIAMS, in Eagle County, Colorado

The above-entitled Application was filed on June 30, 1987. An Amended Application was filed on July 10, 1987, and was accepted for filing by the Water Judge on July 22, 1987. The Application was referred to the Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court, on July 9, 1987, in accordance with the provisions of Article 92 of Chapter 37, Colorado Revised Statutes, 1973, known as the Water Rights Determination and Administration Act of 1969.

The undersigned Referee, having made such investigations as are necessary to determine whether or not the statements in the Application are true, and having become fully advised with respect to the subject matter in the Application, does hereby make the following determination and ruling as the Referee in this matter to-wit:

1. The statements in the Application are true.
2. The name and address of the Applicant is Alfred H. Williams, c/o Leavenworth & Lochhead, P.C., 1011 Grand Avenue, P. O. Drawer 2030, Glenwood Springs, Colorado 81602.
3. Timely and adequate notice of the filing of this Application was given as required by law. No opposition was filed in this Application.

APPLICATION FOR UNDERGROUND WATER RIGHTS

4. The underground water rights set forth below have been applied for by the Applicant and are to be augmented pursuant to the terms of this Decree:
 - A. Pilgrim Ranch Well No. T is located at a point 3,200 feet south of the north section line and 750 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M.
 - B. Pilgrim Ranch Well No. U is located at a point 2,000 feet south of the north section line and 800 feet east

- D. Pilgrim Ranch Pond No. 20 is located at a point 1,100 feet south of the north section line and 1,700 feet east of the west section line, Section 19, Township 9 South, Range 82 West of the 6th P.M., in Open Space, Phase II, of the Pilgrim Downs Subdivision, Eagle County.

The source for all four ponds is West Lake Creek tributary to the Eagle River. The uses for which the water will be put are irrigation, fish and wildlife propagation, recreation and piscatorial uses. The appropriation date for all four ponds is April 20, 1987. The amount claimed for Pilgrim Ranch Pond Nos. 17 and 18 is 0.0110 acre-feet each; Pilgrim Ranch Pond No. 19 is 0.386 acre-feet; Pilgrim Ranch Pond No. 20 is 0.046 acre-feet; and together with the right to fill and refill in priority for all four Ponds.

Maximum height of dam in feet:

Pilgrim Ranch Pond Nos. 17 and 18: 6 feet.
Pilgrim Ranch Pond No. 19: 7 feet.
Pilgrim Ranch Pond No. 20: 5 feet.

Length of dam in feet: These ponds are irregularly shaped structures with the following dimensions:

Pilgrim Ranch Pond Nos. 17 and 18: Approximately 20 feet x 40 feet x 6 feet deep.

Pilgrim Ranch Pond No. 19: Approximately 60 feet x 40 feet x 7 feet deep.

Pilgrim Ranch Pond No. 20: Approximately 20 feet x 20 feet x 5 feet deep.

Total capacity of reservoirs in acre-feet:

Pilgrim Ranch Pond Nos. 17 and 18: 0.0110 acre-feet, conditional, each;

Pilgrim Ranch Pond No. 19: 0.386 acre-feet, conditional; and

Pilgrim Ranch Pond No. 20: 0.046 acre-feet, conditional.

Active capacity in acre feet:

Pilgrim Ranch Pond Nos. 17 and 18: 0.0110 acre-feet each;

Pilgrim Ranch Pond No. 19: 0.386 acre-feet; and

Pilgrim Ranch Pond No. 20: 0.046 acre-feet.

of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M.

- C. Pilgrim Ranch Well No. V is located at a point 500 feet south of the north section line and 300 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M.
- D. Pilgrim Ranch Well No. W is located at a point 1,300 feet north of the south section line and 350 feet west of the east section line, Section 13, Township 5 South, Range 83 West of the 6th P.M.
- E. Pilgrim Ranch Well No. X is located at a point 700 feet north of the south section line and 600 feet west of the east section line, Section 13, Township 5 South, Range 83 West of the 6th P.M.
- F. Pilgrim Ranch Well No. Y is located at a point 350 feet north of the south section line and 500 feet west of the east section line, Section 13, Township 5 South, Range 83 West of the 6th P.M.

The amount claimed for each well is 15 g.p.m., conditional, for domestic use including lawn and garden irrigation, for a single-family residence and a guest house and/or a caretaker unit. The source for each well is groundwater tributary to West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers. The date of appropriation is April 20, 1987.

APPLICATION FOR WATER STORAGE RIGHTS

5. The water storage rights set forth below have been applied for by the Applicant and are to be augmented pursuant to the terms of this Decree.

- A. Pilgrim Ranch Pond No. 17 is located at a point 1,800 feet south of the north section line and 850 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M., in Lot 19, Filing No. 7, of the Pilgrim Downs Subdivision, Eagle County.
- B. Pilgrim Ranch Pond No. 18 is located at a point 600 feet south of the north section line and 400 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M., in Lot 20, Filing No. 7, of the Pilgrim Downs Subdivision, Eagle County.
- C. Pilgrim Ranch Pond No. 19 is located at a point 1,100 feet south of the north section line and 1,600 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M., in Open Space, Phase II, of the Pilgrim Downs Subdivision, Eagle County.

- A. The Casteel Ditch and Casteel Ditch, First Enlargement out of Casteel Creek, tributary to West Lake Creek, tributary to the Eagle River. The Casteel Ditch was decreed for 1 c.f.s. for irrigation purposes on October 3, 1936, in Civil Action No. 963 in Eagle County District Court with an appropriation date of June 1, 1886. The Casteel Ditch First Enlargement with an appropriation date of June 1, 1933, was decreed for 1 c.f.s. for irrigation purposes in Civil Action No. 963 in the District Court in and for Eagle County.
- B. West Lake Creek Ditch, out of West Lake Creek, tributary to the Eagle River, with an appropriation date of June 1, 1905, decreed for 5.614 c.f.s. for irrigation purposes on October 3, 1936, in Civil Action No. 963 in the District Court in and for Eagle County.
- C. Smith Pallister Ditch out of West Lake Creek Ditch, tributary to Lake Creek, tributary to Eagle River with an appropriation date of July 10, 1901, decreed for 1.6 c.f.s. for irrigation purposes on March 17, 1919, in Civil Action No. 706 in the Eagle County District Court.

APPLICATION FOR PLAN FOR AUGMENTATION

6. The following water rights are to be augmented by this Ruling and Decree:

- A. Pilgrim Ranch Wells Nos. A through S, inclusive, which wells were decreed in Case No. 83CW141, Water Division No. 5, as points of diversion for Pilgrim Ranch Well Nos. 1 through 12, inclusive, which were originally decreed on April 20, 1982, in Consolidated Case Nos. 81CW60 and 80CW549 (Water Division No. 5).
- B. Pilgrim Ranch Well Nos. T through Y, inclusive, to be decreed herein.
- C. Pilgrim Ranch Ponds Nos. 17 through 20, inclusive, to be decreed herein.

7. The following water rights are to be used for augmentation:

- A. 2.51 acre-feet of historic consumptive use as determined in Paragraphs 19 and 25 of the Decree dated April 20, 1982, in Consolidated Case Nos. 81CW60 and 80CW549 (Water Division No. 5) to be associated with land removed from irrigation under the Applicant's share of

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the Smith Pallister Ditch, out of West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, with an appropriation date of July 10, 1901, and Priority No. 340, in former Water District No. 37, for 1.6 c.f.s. for irrigation purposes.

- B. Pilgrim Ranch Pond No. 1 decreed in Consolidated Case Nos. 81CW60 and 80CW549 (Water Division No. 5). The east abutment of the proposed dam is located on Casteel Creek at a point whence the Southwest Corner of Section 31, Township 5 South, Range 82 West of the 6th P.M., bears S. 5°22' East a distance of 13,920 feet. The source of water for the Pond is Casteel Creek, tributary to West Lake Creek, Lake Creek, and the Eagle and Colorado Rivers.

8. Statement of plan for augmentations:

Applicant is the developer of the Pilgrim Downs Subdivision, located in Eagle County, Colorado, for which a legal water supply has been adjudicated in Consolidated Case Nos. 81CW60 and 80CW549, Water Division No. 5, State of Colorado, and in 83CW304, Water Division No. 5, and 83CW141, Water Division No. 5. The Decree in Consolidated Case Nos. 81CW60 and 83CW549 decreed 16.6 (0.64 c.f.s.) of excess consumptive use water to be available to the Applicant for other purposes including augmentation purposes associated with the Smith Pallister Ditch water right described more fully in said consolidated case.

In Consolidated Case Nos. 81CW60 and 80CW549 and in Case No. 83CW141, the Court approved a year-round water supply for 20 single-family dwellings for domestic use and lawn and garden irrigation within the Pilgrim Downs Subdivision, an equestrian center and up to fifty horses, with diversions from 19 wells. In Case No. 83CW304, the Court approved a Plan for Augmentation to provide for augmentation of West Lake Creek for evaporative losses associated with the Pilgrim Ranch Pond Nos. 2 through 16 and to provide augmentation water for the consumptive uses associated with fifty additional horses within the Pilgrim Downs subdivision.

In this Application, the Applicant seeks approval of a plan for augmentation to provide a legal water supply for the following additional development within the Pilgrim Downs Subdivision:

- A. Domestic uses and lawn irrigation for six new single-family lots through Pilgrim Ranch Well Nos. T through Y.
- B. Domestic use for secondary residences on the 17 original lots through Pilgrim Ranch Well Nos. A through S and the 6 new single-family lots through Pilgrim Ranch Well Nos. T through Y (a total of 23 secondary residences); and

- C. Four ponds (Pilgrim Ranch Pond Nos. 17 through 20) with a total surface area of 15,000 square feet collectively.

Applicant's engineers have utilized the criteria outlined below:

- A. For the six new single-family lots, domestic use is 350 gallons per day (g.p.d.) per unit, with 3,000 square feet of lawn irrigation per lot;
- B. The consumptive use of water for lawn irrigation is 0.99 acre-feet per acre, with an application efficiency of sixty percent;
- C. Consumptive use of water required for domestic purposes is based upon a 20 percent depletion of in-house sewage treated by individual septic tank/leachfield systems;
- D. Average annual pond evaporation is one acre-foot per surface acre;
- E. For the 23 secondary residences, domestic use is 250 g.p.d. per unit. There is no additional lawn irrigation associated with the 23 secondary units.

The total consumptive use associated with this additional development totals 2.5 acre-feet of which 1.26 acre-feet will occur during the non-irrigation season (October through May) and 1.24 will occur during the irrigation season (June through September). Accordingly, Applicant proposes to commit 1.2 acre-feet of the excess historic consumptive use associated with the water rights set forth in Paragraph 7.A. to West Lake Creek to meet the irrigation season's consumptive use demands of the additional development set forth herein. To meet the non-irrigation season's consumptive use demands of the additional development, the Applicant proposes to commit an additional 1.24 acre-feet of the excess historic consumptive use associated with the water rights set forth in Paragraph 7.A., by delivering said water into storage in the Pilgrim Ranch Pond No. 1, (more fully described in Consolidated Case Nos. 81CN60 and 80CN549 and set forth in Paragraph 6.8., above) for subsequent release to replace stream depletions during the non-irrigation season (October through May). Said releases will be made in the same manner and times as originally required for augmentation purposes under the augmentation plan decreed in Consolidated Case Nos. 81CN60 and 80CN549 and in Case No. 83CN304.

- F. Applicant will install, operate and maintain all such adequate measuring devices on the Pilgrim Ranch Well Nos. T through Y, inclusive, described in Paragraph 4 as may be required by the Division Engineer to facilitate the administration of this plan and to assure compliance herein.

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10. If the plan for augmentation is operated and administered in accordance with this Decree, water will be available for diversion without causing material injury to other owners or users of vested water rights or decreed conditional water rights.

11. The proposed plan for augmentation meets the statutory criteria for a plan for augmentation set forth in C.R.S. 1973, §37-92-103(9), -302(1), and -303(8), as one contemplated by law and, if operated in accordance with the terms and conditions of this Ruling, will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right.

The Referee does, therefore, conclude that the application for underground water rights for the Pilgrim Ranch Well Nos. T through Y, inclusive, is hereby approved for 15 gallons per minute conditional for domestic use including lawn and garden irrigation, for a single family residence and a guest house and/or a caretaker unit, with an appropriation date of April 20, 1987, at the locations and from the sources listed above, subject, however, to all earlier priority dates of others to the integration and tabulation by the Division Engineer of such priorities in accordance with law.

The application for water storage rights for the Pilgrim Ranch Pond No. 17 through 20, inclusive, is hereby approved for irrigation, fish and wildlife propagation, recreation and piscatorial uses, with an appropriation date of April 20, 1987, at the locations and from the source listed above. The amount decreed for the Pilgrim Ranch Pond Nos. 17 and 18 is 0.0110 acre-feet, conditional, each; Pilgrim Ranch Pond No. 19 is 0.386 acre-feet, conditional; Pilgrim Ranch Pond No. 20 is 0.046 acre-feet, conditional, together with the right to fill and refill in priority for all four Ponds.

An application for a quadrennial finding of reasonable diligence shall be filed in August of 1992 and in August of every fourth calendar year thereafter so long as the Applicant desires to maintain these conditional water rights or until a determination has been made that these conditional water rights have become absolute water rights by reason of completion of the appropriation.

The application for plan for augmentation contained herein is hereby approved and operation thereof shall be conducted in a manner pursuant with the terms and conditions of this Ruling.

The State Engineer shall issue well permits for the Pilgrim Ranch Well Nos. T through Y.

The Applicant or his successor in interest shall use, until modified at the request of the Division Engineer, the reporting form attached hereto and incorporated herein by reference and

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shall submit copies annually to the Colorado State Engineer and Division Engineer for Water Division No. 5.

It is accordingly ordered that this Ruling shall be filed with the Water Clerk subject to judicial review.

It is further ordered that this Ruling shall be filed with the appropriate Division Engineer and State Engineer.

Dated this 31st day of August, 1988.

Copy of the foregoing mailed to all
members of the Board
of State Engineers
and Division Engineers

11/15/88
Thompson
Chairman

Roy D. Walker

Water Referee
Water Division No. 5
State of Colorado

No protest was filed to this Ruling of the Referee. The foregoing Ruling is confirmed and approved and is made the judgment and decree of this Court; subject, however, to reconsideration on the issue of injury to vested water rights for a period of two years and, in making such determination, the Court has considered the nature and source of the augmentation water and the quality of uses to be augmented.

Dated this 12 day of November, 1988.

[Signature]
Water Judge

Copy of the foregoing
mailed to all
Division Engineers
and Engineers
11-3-88

[Signature]
Chairman

12 Mailed 12/16/88

April 24, 1987

ENARTECH Inc. Consulting Engineers and Hydrologists

Mr. Loyal E. Leavenworth
Leavenworth, Lochhead & Milwid, P.C.
P.O. Drawer 2030
Glenwood Springs, CO 81602

RE: Pilgrim Downs Subdivision

Dear Lee:

At your request, we have determined the water requirements and consumptive use for the following additional development at the Pilgrim Downs Subdivision:

1. Domestic use and lawn irrigation for 6 new single family lots;
2. Domestic use for secondary residences on the 17 original lots and the 6 new single family lots (a total of 23 secondary residences);
3. Four ponds with a total surface area of 15,000 square feet collectively.

The water requirements and consumptive use associated with this proposed development was calculated based upon criteria developed by Wright Water Engineers for the Pilgrim Ranch Augmentation Plan previously approved by the Division 5 Water Court. The criteria used are outlined below:

1. For the 6 new single family lots, domestic use is 350 gallons per day (gpd) per unit, with 3,000 square feet of lawn irrigation per lot. Any additional irrigation water requirements would be provided by the Pilgrim Ranch's irrigation ditches;
2. The consumptive use of water for lawn irrigation is 0.99 acre-feet per acre, with an application efficiency of 60 percent;
3. Consumptive use of water required for domestic purposes is based upon a 20 percent depletion of in-house sewage treated by individual septic tank/leach field systems;
4. Average annual pond evaporation is 1 acre-foot per acre.

In addition to the criteria outlined above, Enartech used the following additional criteria to calculate the water requirements and consumptive use for the proposed development:

Loyal Leavenworth
April 24, 1987
Page 2

1. For the 23 secondary residences, domestic use is 250 gpd per unit. There is no additional lawn irrigation associated with the 23 secondary units;
2. The monthly distribution of the water requirements and consumptive use for lawn irrigation were obtained from Wright Water Engineer's previous report, which used the Jensen-Haise method to determine the irrigation consumptive use potential on a monthly basis;
3. The monthly distribution of the pond evaporation was determined from evaporation and precipitation data compiled by the National Weather Service.

The results of our analysis are summarized in Tables 1 and 2 (attached). Table 1 outlines the average water requirements in acre-feet for the additional development on a monthly basis. Table 2 outlines the average consumptive use of water in acre-feet on a monthly basis.

If you have any questions regarding our analysis, please contact Scott Fifer or myself.

Sincerely,

ENARTECH, Inc.



Peter Belau, P.E.
Civil and Environmental Engineer

COPY

174-01

Enc.

cc: Mr. Alfred Williams

PB/rs

TABLE 1
 PILGRIM BOARD SUBMITTAL - ADDITIONAL DEVELOPMENTS

Month	Days	WATER REQUIREMENTS (acre-feet)				WELL
		6 New Single-family Lots Domestic Use (1)	Lawn Irrigation (2)	23 Secondary Residences Domestic Use (3)	Pond Evaporation (4)	
JAN	31	0.20	0.00	0.35	0.00	0.75
FEB	28	0.16	0.00	0.49	0.00	0.67
MAR	31	0.20	0.00	0.35	0.00	0.75
APR	30	0.19	0.00	0.33	0.00	0.72
MAY	31	0.20	0.00	0.35	0.07	0.66
JUN	30	0.19	0.00	0.33	0.09	0.69
JUL	31	0.20	0.24	0.35	0.00	1.07
AUG	31	0.20	0.17	0.35	0.00	0.97
SEP	30	0.19	0.04	0.33	0.05	0.63
OCT	31	0.20	0.00	0.35	0.01	0.75
NOV	30	0.19	0.00	0.33	0.00	0.72
DEC	31	0.20	0.00	0.35	0.00	0.75
TOTAL	345	2.35	0.40	6.44	0.34	9.82

(1) Based on 370 gpd for 6 units, with 20% conservative use of water.
 (2) Based on 3000 sq. ft. irrigated lawn area for 6 lots, with 80% application efficiency.
 (3) Based on 250 gpd for 23 units, with 20% conservative use of water.
 (4) Based on a cumulative total surface area of 15,000 sq. ft. for 6 ponds.

Prepared by Burroch, Inc. April 24, 1987

TABLE 2

PLACER COUNTY SUBDIVISION - ADDITIONAL DEVELOPMENT

CONSUMPTIVE USE OF WATER

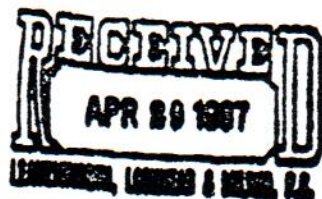
(acre-feet)

Month	Days	6 New Single-Family Lots		25 Secondary Residences		Furd Evaporation (4)	TOTAL
		Domestic Use (1)	Loss Irrigation (2)	Domestic Use (3)	Furd Evaporation (4)		
JAN	31	0.04	0.00	0.11	0.00	0.15	
FEB	28	0.04	0.00	0.10	0.00	0.14	
MAR	31	0.04	0.00	0.11	0.00	0.15	
APR	30	0.04	0.00	0.11	0.00	0.14	
MAY	31	0.04	0.00	0.11	0.00	0.15	
JUN	30	0.04	0.00	0.11	0.00	0.14	
JUL	31	0.04	0.00	0.11	0.00	0.15	
AUG	31	0.04	0.00	0.11	0.00	0.14	
SEP	30	0.04	0.00	0.11	0.00	0.15	
OCT	31	0.04	0.00	0.11	0.00	0.14	
NOV	30	0.04	0.00	0.11	0.00	0.14	
DEC	31	0.04	0.00	0.11	0.00	0.15	
TOTAL	365	0.17	0.11	1.29	0.34	2.51	

(1) Based on 330 gpd for 6 units, with 20% consumptive use of water.
 (2) Based on 3000 sq. ft. irrigated lawn area for 6 lots, with 60% application efficiency.
 (3) Based on 250 gpd for 25 units, with 20% consumptive use of water.
 (4) Based on a cumulative total surface area of 15,000 sq. ft. for 4 ponds.

Prepared by Burbank, Inc. April 26, 1987

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l-plan, inc.

27 April 1987

Lee Leavenworth
Leavenworth, Patrick & Lochhead
P.O. Box 2838
Glenwood Springs, Colorado 81682

Dear Lee:

Here is the information on Pilgrim Downs' wells, ponds and open space per our meeting with Al Williams last week.

<u>WELLS</u>		T58 R82W, Section 19
Phase I	Lot 17	3200 ft. south of north section line 750 ft. east of west section line
Phase I	Lot 19	2800 ft. south of north section line 800 ft. east of west section line
Phase I	Lot 20	500 ft. south of north section line 300 ft. east of west section line

		T58 R83W, Section 13
Phase II	Lot 1	1300 ft. north of south section line 350 ft. west of east section line
Phase II	Lot 2	700 ft. north of south section line 600 ft. west of east section line
Phase II	Lot 3	250 ft. north of south section line 500 ft. west of east section line

<u>PONDS</u>		T58 R82W, Section 19
Phase I	Lot 19	1800 ft. south of north section line 850 ft. east of west section line
Phase I	Lot 20	600 ft. south of north section line 400 ft. east of west section line Irregular shape approx. 20'x45'x6' deep

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CHICAGO TITLE INSURANCE COMPANY

A L T A C O M M I T M E N T.

SCHEDULE B - SECTION 2

(Exceptions)

Our Order # V263050-2

The policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. Liens for unpaid water and sewer charges, if any.
8. In addition, the owner's policy will be subject to the lien of the new mortgage, if any, noted under Section 1 of Schedule B hereof.
9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT OF RECORD.
10. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT OF RECORD.
11. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION, OR NATIONAL ORIGIN, AS CONTAINED IN INSTRUMENT RECORDED October 12, 1983, IN BOOK 370 AT PAGE 217 AND AS AMENDED IN INSTRUMENT RECORDED August 08, 1984, IN BOOK 391 AT PAGE 833 AND SUBJECTION OF ADDITIONAL PROPERTY RECORDED OCTOBER 22, 1990 IN BOOK 540 AT PAGE 495.

(Exceptions)

Our Order # V263050-2

12. WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS.

13. ~~TERMS~~ **TERMS, CONDITIONS AND PROVISIONS OF PLANNED UNIT DEVELOPMENT CONTROL** ✓

DOCUMENTS RECORDED SEPTEMBER 20, 1983 IN BOOK 368 AT PAGE 775 AND RECORDED SEPTEMBER 20, 1983 IN BOOK 368 AT PAGE 776 AND RECORDED OCTOBER 10, 1984 IN BOOK 396 AT PAGE 719 AND RECORDED DECEMBER 11, 1984 IN BOOK 402 AT PAGE 64 AND RECORDED DECEMBER 9, 1986 IN BOOK 453 AT PAGE 763 AND RECORDED DECEMBER 22, 1987 IN BOOK 476 AT PAGE 25 AND RECORDED AUGUST 22, 1989 IN BOOK 511 AT PAGE 992 AND RECORDED MAY 15, 1991 IN BOOK 554 AT PAGE 80 AND RESOLUTION RECORDED OCTOBER 21, 1992 IN BOOK 592 AT PAGE 51.

14. TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION IMPROVEMENTS AGREEMENT RECORDED September 20, 1983 IN BOOK 368 AT PAGE 778.
15. IRRIGATION EASEMENT AND PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AS RESERVED ON THE RECORDED PLAT OF PILGRIM DOWNS FILING NO. 6.
16. UTILITY EASEMENTS 15 FEET IN WIDTH ALONG THE NORTH, EAST AND WEST LOT LINES OF SUBJECT PROPERTY AS SHOWN ON THE RECORDED PLAT OF PILGRIM DOWNS FILING NO. 6.
17. THE EFFECT ON SUBJECT PROPERTY OF IRRIGATION DITCHES AND IRRIGATION EASEMENT AS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE PREPARED BY EAGLE VALLEY SURVEYING, INC., JOB NO. 2446 DATED MARCH 9, 1998
18. THE EFFECT ON SUBJECT PROPERTY OF TRAIL CUT AS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE PREPARED BY EAGLE VALLEY SURVEYING, INC., JOB NO. 2446 DATED MARCH 9, 1998
19. ANY LOSS OR DAMAGE DUE TO ENCROACHMENT FROM PROPERTY OWNER TO THE NORTH AS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE PREPARED BY EAGLE VALLEY SURVEYING, INC., JOB NO. 2446 DATED MARCH 9, 1998
20. CLAIMS OF RIGHT, TITLE AND/OR INTEREST IN THE PROPERTY BETWEEN THE NORTHERLY BOUNDARY LINE AND THE FENCE (AS DEPICTED ON THE SURVEY PREPARED BY EAGLE VALLEY SURVEYING, INC., JOB NUMBER 2446) WHETHER SAID CLAIMS ARISE BY ABANDONMENT, ADVERSE POSSESSION OR OTHER MEANS.

ENDORSEMENT 335.6 WILL BE ATTACHED TO ALTA LOAN POLICY WHEN ISSUED.

ENDORSEMENT NO. 115.2 WILL BE ATTACHED TO FINAL POLICY WHEN ISSUED.