

(Form of Special Warranty Deed)

**Special Warranty Deed
(Water Rights)**

This Deed, made this _____ day of _____, 2017, between E-470 Public Highway Authority, whose address is 22470 E. 6th Parkway, Aurora, Colorado 80018 ("Grantor"), and _____, whose address is _____ ("Grantee").

Witnesseth, that Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, the Grantee's successors and assigns forever, the following property:

Those certain water rights represented by:

10 shares of the Fulton Irrigating Ditch Company evidenced by Share Certificate No. 3580
15 shares of the Burlington Ditch Reservoir & Land Company evidenced by Share Certificate No. 3682
12 shares of the Wellington Reservoir Company, evidenced by Share Certificate No. 1337
3 shares of the Wellington Reservoir Company, evidenced by Share Certificate No. 1338 (collectively, the "Subject Water Rights")

The Subject Water Rights are portions of the following priorities:

Fulton Irrigating Ditch Company:

<u>Flow Rate</u>	<u>Appropriation Date</u>	<u>Decree Date</u>	<u>Source</u>
79.70 cfs	05/01/1865	04/28/1883	South Platte River
74.25 cfs	07/08/1876	04/28/1883	South Platte River
50.23 cfs	11/05/1879	04/28/1883	South Platte River

The above priorities historically having been diverted through the Fulton Ditch, the headgate of which was decreed as being near Section 9, between Sections 16 and 17, Township 2 South, Range 67 West of the 6th P.M., and the actual location of which is in the NE¼ of the NE¼ of the SE¼ of Section 17, Township 2 South, Range 67 West of the 6th P.M., Adams County.

Burlington Ditch Reservoir & Land Company:

<u>Flow Rate</u>	<u>Appropriation Date</u>	<u>Decree Date</u>	<u>Source</u>
16.28 cfs	04/01/1864	04/28/1883	South Platte River
350 cfs	11/20/1885	07/08/1893	South Platte River

250 cfs	12/01/1885	07/08/1893	Sand Creek
50 cfs	09/01/1886	07/08/1893	First Creek
250 cfs	11/15/1886	07/08/1893	Second Creek
250 cfs	09/15/1887	07/08/1893	Third Creek
750 af	09/15/1904	05/18/1918	Geneva Creek

The above priorities historically having been diverted through the following points of diversion:

As originally decreed, the Burlington South Platte River headgate was located at a point on the southeast bank of the Platte River, about 200 feet east and 200 feet north of the center of Section 14, Township 3 South, Range 68 West of the 6th P.M. The actual location of the Burlington South Platte River headgate is in the NE¼ of Section 14, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado.

The decreed and actual location of the Burlington Ditch First Creek headgate is in the NW¼ of Section 14, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado.

The decreed location of the Burlington Ditch Second Creek headgate is in the SW¼ of Section 6, Township 2 South, Range 66 West of the 6th P.M. The actual location is in the NE¼ of Section 7, Township 2 South, Range 66 West of the 6th P.M., Adams County, Colorado.

The decreed location of the Third Creek headgate is in the NW¼ of Section 32, Township 1 South, Range 66 West of the 6th P.M. The actual location is in the NE¼ of the SE¼ of Section 32, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado.

Wellington Reservoir Company:

<u>Flow Rate</u>	<u>Appropriation Date</u>	<u>Decree Date</u>	<u>Source</u>
7.987 cfs	04/01/1864	04/28/1883	South Platte River
2,747.72 af	05/31/1892	06/21/1922	Buffalo Creek
25 cfs	09/03/1892	06/21/1922	Mendenhall Creek
1,652 af	06/05/1920	06/21/1922	Buffalo Creek
25 cfs	12/31/1921	06/21/1922	Hicks Creek

The above priorities historically having been diverted at the following locations:

The headgate of the Burlington Ditch, described above.

Wellington Reservoir is located on Buffalo Creek in Sections 29, 30, 31, and 32, Township 8 South, Range 71 West, 6th P.M., Jefferson County.

The Hicks Creek Feeder Ditch headgate is located in the NE¼ of the SE¼ of the SE¼, Section 32, Township 8 South, Range 71 West, 6th P.M., Jefferson County.

The Mendenhall Feeder Ditch headgate is located in the SW¼ of the NE¼ of the SW¼, Section 30, Township 8 South, Range 71 West, 6th P.M., Jefferson County.

The shares of stock identified above represent, *inter alia*, Grantor's pro rata interest in all property of the identified ditch and reservoir companies.

Together with 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 property, with the hereditaments and appurtenances.

To have and to hold the said property above bargained and described with the appurtenances, unto the Grantee, the Grantee's successors and assigns forever. And the Grantor, for the Grantor, the Grantor's heirs, successors and assigns, does covenant and agree that Grantor shall WARRANT AND FOREVER DEFEND title to the above-bargained property in the quiet and peaceable possession of the Grantee, the Grantee's successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

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

GRANTOR:

Timothy Stewart
Executive Director

Attest:

By: _____

Title: _____

State of Colorado)
) ss
County of Arapahoe)

The foregoing Special Warranty Deed (Water Rights) was acknowledged before me this ____ day of _____ 2017, by Timothy Stewart, Executive Director of the E-470 Public Highway Authority.

Witness my hand and official seal _____
Notary Public

My Commission Expires: _____

SEAL