

After recording, please return to:
Garfield & Hecht, PC
901 Grand Ave., Suite 201
Glenwood Springs, CO 81601

SPECIAL WARRANTY DEED
WATER RIGHTS

RED MOUNTAIN RANCH PARTNERSHIP, LLLP, a Colorado limited liability limited partnership with an address of 232 West Meadow Drive, Vail, CO ("Grantor"), for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, hereby conveys to the TOWN OF EAGLE, a Colorado home rule municipality, whose address is PO Box 609, Eagle, CO 81601 ("Town"), all of Grantor's right, title and interest in the water rights described herein, all located in the County of Eagle, State of Colorado:

86.65 acre-feet of historical consumptive use credits quantified in Cases No. 84CW659 by the District Court in and for Water Division No. 5, State of Colorado, in the following described water rights, including the interest in said water rights described by c.f.s as the Dedication Amount which are included in said decrees:

Priority No.	Water Right	Case No.	Adj. Date	App. Date	Dedication Amount (cfs)
32	Warren Ditch	CA294	1889-12-17	1885-04-20	0.65
95	1 st Enlargement	CA294	1889-12-17	1889-10-09	0.42
96	2 nd Enlargement	CA294	1889-12-17	1889-10-09	0.28
450	3 rd Enlargement	CA963	1936-10-03	1922-10-01	1.79
534	4 th Enlargement	CA1193	1958-07-23	1952-04-30	2.73
Total					5.87
59	Wilkinson Ditch	CA294	1889-12-17	1887-10-30	0.000
427	1 st Enlargement	CA963	1936-10-03	1915-10-30	0.18
Total					0.18

(This includes 14.45 acre-feet from the Warren Ditch and 10.64 acre-feet from the Wilkinson Ditch water rights used on the Annexed Property (See Attached **Exhibit A**) and 61.57 acre-feet from the Warren Ditch water rights used on the Eagle County School District RE-50 property (**Exhibit A**).

Together with a sufficient or equivalent interest in the decree entered in Case No. 84CW659 allowing the use of the water rights to be changed as therein described.

Together with a sufficient interest in and to Grantor's present ditch and ditch rights in the Warren Ditch, the Warren Ditch structure and right of way and/or easements therefore, whether the same be prescriptive or deeded. The decreed headgate location of the Warren Ditch is on the North bank of the Eagle River at a point whence the Northeast Corner of Section 24, Township 4 South, Range 84 West of the 6th P.M. bears North 32°26' East a distance of 4,277 feet.

Together with a sufficient interest in and to Grantor's present ditch and ditch rights in the Wilkinson Ditch, the Wilkinson Ditch structure and right of way and/or easements therefore, whether the same be prescriptive or deeded. The decreed headgate location of the Wilkinson Ditch is in Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 26, Township 4 South, Range 84 West of the 6th P.M.

and

Priority No.	Water Right	Case No.	Adj. Date	App. Date	Dedication Amount (cfs)
59	Wilkinson Ditch	CA294	1889-12-17	1887-10-30	0.26
427	1 st Enlargement	CA963	1936-10-03	1915-10-30	0.42
Total					0.68

(it is anticipated that the foregoing water rights will quantify as 14.9 acre-feet of estimated historical consumptive use associated with irrigation of up to 12.9 acres Parcel No. 1 of the Annexed Property)

Combined, it is the intention of Grantor, by this Special Warranty Deed, to convey a total of 101.55 acre-feet of historic consumptive use credits from the Wilkinson and Warren Ditches' water rights as described herein. In the event the estimated historical consumptive use of the 0.68 c.f.s. described immediately above results in a quantification of less than 14.9 acre-feet, Grantor shall convey to the Town the requisite amount of each of these water rights in order to achieve a total conveyance of 101.55 acre-feet.

Together with any and all pumps, headgates, pipelines, ditches, or other devices appurtenant thereto or utilized in conjunction therewith. Grantor warrants and forever defends the right and title to the above described property unto the Town against the claims of those persons claiming by, through or under Grantor.

Done this 28 day of April, 2021.

GRANTOR:
RED MOUNTAIN RANCH PARTNERSHIP LLLP


By: Mervyn Lapin, General Partner

STATE OF COLORADO)
) ss
COUNTY OF EAGLE)

Subscribed and sworn to before me this 28 day of April, 2021, by Mervyn Lapin, General Partner of Red Mountain Ranch Partnership, LLLP.

Witness my hand and official seal.



NOTARY PUBLIC

My commission expires: 11/26/2022



