

GARFIELD COUNTY
Building & Planning Department
108 8th Street, Suite 401
Glenwood Springs, Colorado 81601
Telephone: 970.945.8212 Facsimile: 970.384.3470
www.garfield-county.com

AMENDED or CORRECTED PLATS

Doc.# _____

GENERAL INFORMATION (Please print legibly)

- Name of Property Owner: TERRI PATRICK
- Mailing Address: 7236 RIX Telephone: (616) 446-9353
- City: ADA State: MI Zip Code: 49301 Cell: () _____
- E-mail address: terri4499@yahoo.com FAX: () _____

- Name of Owner's Representative, if any, (Attorney, Planner, Consultant, etc):
➤ GAMBA & ASSOCIATES
- Mailing Address: P.O. BOX 1458 Telephone: (970) 945-2550
- City: GLENWOOD SPRINGS State: CO Zip Code: 81602 Cell: () _____
- E-mail address: sgamba@gambaengineering.com FAX: (970) 945-1410

- Description of Special Use Requested: AMENDMENT TO SILT HEIGHTS DRIVE RIGHT-OF-WAY AND LOT 1 OF SILT HEIGHTS SUBDIVISION

- Street Address / General Location of Property: W $\frac{1}{2}$ SW $\frac{1}{4}$ SECTION 27, E $\frac{1}{2}$ SE $\frac{1}{4}$ SECTION 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 34 T5S, R92W, 6P.M.
- Legal Description: SILT HEIGHTS SUBDIVISION

- Assessor's Parcel Number: 2127-273-01-001
- Existing Use: _____
- Property Size (in acres) 5.107 AC Zone District: ARRD

I. PROCEDURAL REQUIREMENTS

A. One of the following 3 procedures shall apply to a request for an Amended or Corrected Plat.

1. Application for an amendment to a recorded plat may be made, if the amendment a) does not increase the number of subdivision lots or dwelling units, b) results in the major relocation of a road or add new roads, or c) does not result in the relocation of property lines between more than two adjacent properties.

An application for an amended plat shall be considered by the Board at a regularly scheduled public meeting. If approved, the amended plat shall comply with plat requirements outlined below (subsection B).

2. An application for an amendment to a plat of an existing subdivision, established prior to County subdivision regulations, that does not have an approved Preliminary Plan to verify the consistency with the proposed amended plat, or that results in the relocation of property lines between more than two (2) adjacent properties, shall be subject to the criteria and public meeting requirements as follows:

A. The Board shall not approve an application for an amended plat as mentioned above unless the applicant has satisfied the following criteria:

- 1) All Garfield County zoning requirements will be met;
- 2) All lots created will have legal access to a public right-of-way and any necessary access easements have been obtained or are in the process of being obtained;
- 3) Provision has been made for an adequate source of water in terms of both the legal and physical quality, quantity and dependability, and a suitable type of sewage disposal to serve each proposed lot;
- 4) All applicable state and local environmental health and safety requirements have been met or are in the process of being met;
- 5) Provision has been made for any required road or storm drainage improvements;
- 6) Fire protection has been approved by the appropriate fire district;
- 7) Any necessary drainage, irrigation or utility easements have been obtained or are in the process of being obtained; and
- 8) School fees, taxes and special assessments have been paid.

B. The Board shall consider the amended plat request at a public hearing.

The applicant shall be solely responsible for the publication, posting and mailing of all notices and shall present proof of publication and mailing at or before the meeting. **If proper notice has not occurred, the public hearing will not occur.** Notice for the meeting shall be given as follows:

- (1) Notice by publication, including the name of the applicant, description of the subject lot, a description of the proposed amendment and nature of the meeting, and the date, time and place for the hearing shall be given once in a newspaper of general circulation in that portion of the County in which the subject property is located at least thirty (30) but not more than sixty (60) days prior to the date of such meeting, and proof of publication shall be presented at hearing by the applicant.
- (2) Notice by mail, containing information as described in the paragraph above, shall be mailed to all owners of record as shown in the County Assessor's Office of lots within two hundred feet (200') of the subject lot and to all owners of mineral interest in the subject property at least thirty (30) but not more than sixty (60) days prior to such meeting time by certified return receipt mail, and receipts shall be presented at the meeting by the applicant.
- (3) The site shall be posted such that the notice is clearly and conspicuously visible from a public right-of-way, with notice signs provided by the Planning Department. The posting must take place at least thirty (30) but not more than sixty (60) days prior to the hearing date and is the sole responsibility of the applicant to post the notice, and ensure that it remains posted until and during the date of the hearing.

If approved, the corrected plat shall comply with the requirements outlined below (subsection B).

3. A correction may be made to an approved plat, if the sole purpose is to correct technical errors such as minor surveying errors and drafting errors, and the correction is consistent with the approved Preliminary Plan. Within thirty (30) days of being deemed in technical compliance, the corrected plat shall be brought before the Board at a regularly scheduled public meeting for review and decision.

If approved, the corrected plat shall comply with the requirements outlined below (subsection B).

B. Upon approval of an Amended or Corrected Plat by the Board, the following plat requirements shall apply:

A plat titled "Amended Final Plat of (subdivision name)" shall be signed and dated by the County Surveyor, then signed and dated by the Chairman of the Board, as a consent agenda item, at a regularly scheduled Board meeting, and recorded in the Clerk and Recorder's Office of Garfield County within ninety (90) days of Board approval.

The Amended Plat shall meet the minimum Colorado Revised Statutes ("CRS") standards for land survey plats, as required by Colorado state law, and approved by the County Surveyor and shall include at least the information as outlined in Section 5:22 [Final Plat Requirements] of the Garfield County Subdivision Regulations.

C. Application process steps:

1. Submit this completed application form, base fee, and all submittal requirements outlined below to the Garfield County Planning Department. It will be received and given to a Staff Planner who will review the application for technical compliance (completeness).

2. Once the application is deemed technically complete, the Staff Planner will send you a letter indicating the application is complete and will request additional copies for the Board to review. In addition, shall the request require a public hearing, Staff will also send you a "Public Notice Form(s)" indicating the time and date of your hearing before the Board. Prior to the public hearing, Staff will provide you with a Staff Memorandum regarding your requested amended or corrected plat.
3. The Applicant is required to appear before the Board at the time and date of the public hearing or public meeting at which time the Board will consider the request. Should the request require a public hearing, the Applicant shall provide proof, at the hearing, that proper notice was provided.
4. Once the Board makes a decision regarding the amended or corrected plat request, Staff will provide the Applicant with a follow-up letter outlining the action taken by the Board.

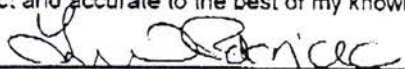
II. APPLICATION SUBMITTAL REQUIREMENTS

(The following steps outline how an amended or corrected plat application review process works in Garfield County.)

- A. The following application submittal requirements shall only be applicable to Procedure 1 and 3 listed above in the "Procedural Requirements" section of this application. The application for an amended plat or corrected plat shall be submitted with the following:
 1. A narrative explanation of the reason for the application.
 2. The consent of all land owners involved. Copy of the deed showing ownership of the parcel(s), or a letter from the property owner(s), if other than the applicant.
 3. A plat shall illustrate the parcel(s) prior to adjustment and subsequent adjustment.
 4. The Applicant shall sign the "Agreement For Payment" form and provide the Base Fee of \$100.00 with the application.
 5. Provide 3 copy of the Application. Staff will request additional copies once the application has been deemed technically complete.
- B. For Procedure 2 listed above in the "Procedural Requirements" section of this application, the following supplemental information shall be submitted with the application:
 1. Narrative explaining why the amended plat is being requested.
 2. A plat shall illustrate the parcel(s) prior to adjustment and following the adjustment. The plat shall delineated the fathering and receiving parcel(s) and/or boundary line(s) prior to adjustment, and the parcel(s) or boundary line(s) transferred/relocated following the adjustment.
 3. Copy of the deed showing ownership of the parcel(s), or a letter from the property owner(s), if other than the applicant.

4. Names and addresses of owners of record of land immediately adjoining and within two hundred feet (200') of the proposed amended plat, mineral owners and lessees of mineral owners of record of the property to be a part of the amended plat, and tenants of any structure proposed for conversion.
5. Evidence of the soil types and characteristics of each type.
6. Proof of legal and adequate source of domestic water for each lot created (which may consist of proof described in Section 8:42(D) of the Subdivision Regulations), method of sewage disposal, and letter of approval of fire protection plan from appropriate fire district.
7. If connection to a community or municipal water or sewer system is proposed, a letter from the governing body stating a willingness to serve.
8. The Applicant shall sign the "Agreement For Payment" form and provide the Base Fee of \$100.00 with the application.
9. Provide 2 copies of the Application. Staff will request additional copies once the application has been deemed technically complete.

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.



(Signature of Property Owner)

12-9-08

Date

III.



GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT FEE SCHEDULE

Garfield County, pursuant to Board of County Commissioners ("Board") Resolution No. 98-09, has established a fee structure ("Base Fee") for the processing of each type of subdivision and land use applications.

The Base Fee is an estimate of the average number of hours of staff time devoted to an application, multiplied by an hourly rate for the personnel involved. The Board recognized that the subdivision and land use application processing time will vary and that an applicant should pay for the total cost of the review which may require additional billing. Hourly rates based on the hourly salary, and fringe benefits costs of the respective positions combined with an hourly overhead cost for the office will be used to establish the actual cost of County staff time devoted to the review of a particular project.

Actual staff time spent will be charged against the Base Fee. After the Base Fee has been expended, the applicant will be billed based on actual staff hours accrued. Any billing shall be paid in full prior to final consideration of any land use permit, zoning amendment or subdivision plan. If an applicant has previously failed to pay application fees as required, no new or additional applications will be accepted for processing until the outstanding fees are paid.

Checks, including the appropriate Base Fee set forth below, must be submitted with each land use application, and made payable to the Garfield County Treasurer. Applications will not be accepted without the required application fee. Base Fees are non-refundable in full, unless a written request for withdraw from the applicant is submitted prior the initial review of the application materials.

Applications must include an Agreement for Payment Form ("Agreement") set forth below. The Agreement establishes the applicant as being responsible for payment of all costs associated with processing the application. The Agreement must be signed by the party responsible for payment and submitted with the application in order for it to be accepted.

The complete fee schedule for subdivision and land use applications is attached.

GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT BASE FEES

The following Base Fees shall be received by the County at the time of submittal of any procedural application to which such fees relate. Such Base Fees shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board for the consideration of any application or additional County staff time or expense not covered by the Base Fee, which have not otherwise been paid by the applicant to the County prior to final action upon the application tendered to the County.

TYPE OF PROCEDURE	BASE FEE
Vacating Public Roads & Rights-of-Way	\$400
Sketch Plan	\$325
Preliminary Plan	\$675 + application agency review fees and outside consultant review fees, as authorized pursuant to the Regulations, such as the Colorado Geologic Survey
Final Plat	\$200
Amended Plat	\$100
Exemption from the Definition of Subdivision (SB-35)	\$300
Land Use Permits (<i>Conditional Use Permits</i>)	
▪ Board Public Hearing only	\$400
Land Use Permits (<i>Special Use Permits</i>)	
▪ Planning Commission and Board review & hearing	\$525
Zoning Amendments	
▪ Zone District map amendment	\$450
▪ Zone District text amendment	\$300
▪ Zone District map & text amendment	\$500
▪ PUD Zone District & Text Amendment	\$500
▪ PUD Zone District Text Amendment	\$500
Comprehensive Plan Amendment	\$450
Board of Adjustment	
▪ Variance	\$250
▪ Interpretation	\$250
Administrative Permits	
▪ Floodplain Development	\$400
▪ Pipeline Development	\$400
▪ Minor Temporary Employee Housing	\$400
Checklist	
▪ Small Temporary Employee Housing	\$50
Planning Staff Hourly Rate	
▪ Planning Director	\$50.50
▪ Senior Planner	\$40.50
▪ Planning Technician	\$33.75
▪ Secretary	\$30
County Surveyor Review Fee (<i>includes review of Amended Plats, Final Plats, Exemption Plats</i>)	Determined by Surveyor\$
Mylar Recording Fee	\$11 – 1 st page \$10 each additional page

The following guidelines shall be used for the administration of the fee structure set forth above:

1. **All** applications shall be submitted with a signed Agreement for Payment form set forth below.
2. County staff shall keep accurate record of actual time required for the processing of each land use application, zoning amendment, or subdivision application. Any additional billing will occur commensurate with the additional costs incurred by the County as a result of having to take more time than that covered by the base fee.
3. Any billings shall be paid prior to final consideration of any land use permit, zoning amendment, or subdivision plan. All additional costs shall be paid to the execution of the written resolution confirming action on the application.
4. Final Plats, Amended or Corrected Plats, Exemption Plats or Permits will not be recorded or issued until all fees have been paid.
5. In the event that the Board determines that special expertise is needed to assist them in the review of a land use permit, zoning amendment, or subdivision application, such costs will be borne by the applicant and paid prior to the final consideration of the application. All additional costs shall be paid prior to the execution of the written resolution confirming action on the application.
6. If an application involves multiple reviews, the Applicant shall be charged the highest Base Fee listed above.
7. Types of "Procedures" not listed in the above chart will be charged at an hourly rate based on the pertinent planning staff rate listed above.
8. The Planning Director shall establish appropriate guidelines for the collection of Additional Billings as required.
9. This fee structure shall be revised annually as part of the County budget hearing process.

GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT

AGREEMENT FOR PAYMENT FORM

(Shall be submitted with application)

GARFIELD COUNTY (hereinafter COUNTY) and _____
(hereinafter APPLICANT) agree as follows:

1. APPLICANT has submitted to COUNTY an application for Amended Plat Application
_____ (hereinafter, THE PROJECT).
2. APPLICANT understands and agrees that Garfield County Resolution No. 98-09, as amended, establishes a fee schedule for each type of subdivision or land use review applications, and the guidelines for the administration of the fee structure.
3. APPLICANT and COUNTY agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. APPLICANT agrees to make payment of the Base Fee, established for the PROJECT, and to thereafter permit additional costs to be billed to APPLICANT. APPLICANT agrees to make additional payments upon notification by the COUNTY when they are necessary as costs are incurred.
4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional COUNTY staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, APPLICANT shall pay additional billings to COUNTY to reimburse the COUNTY for the processing of the PROJECT mentioned above. APPLICANT acknowledges that all billing shall be paid prior to the final consideration by the COUNTY of any land use permit, zoning amendment, or subdivision plan.

APPLICANT

Terri Patrick
Signature

Date: 12-9-08

Terri Patrick
Print Name

Mailing Address: 70376 Rix St SE
Ada, MI 49301

10/2004

12/9/08

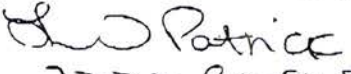
I give my consent for Steve Camba
to represent me for the amended plat application
of Silbtheights.  Patrick (Terri Patrick)
7236 Rix St. SE
Ada, MI 49301

EXHIBIT A

SILT HEIGHTS SUBDIVISION ENGINEERS OPINION OF PUBLIC IMPROVEMENT COSTS HCE JOB NO: 2000023.02				
August 20, 2007		k:\qprodata\file\2000023\siltheights-3-8-07.xls		
ITEM	QUANTITY		UNIT COST	COST
Road Construction				
Earthwork	1	L.S.	\$ 3,000.00	\$ 3,000.00
Topsoil Removal and Stockpiling	1	L.S.	\$ 500.00	\$ 500.00
6" Class 6 Base Material	390	CY	\$ 70.00	\$ 27,300.00
			Subtotal	\$ 30,800.00
Erosion Control				
Sediment Control Fence	648	L.F.	\$ 3.00	\$ 1,944.00
Hay Check Dams	22	Each	\$ 50.00	\$ 1,100.00
			Subtotal	\$ 3,044.00
Miscellaneous				
Electric Transformer	1	Each	\$ 3,000.00	\$ 3,000.00
Traffic Signs	3	Each	\$ 1,200.00	\$ 3,600.00
			Subtotal	\$ 6,600.00
			Subtotal	\$ 40,444.00
Contingency (10%)				\$ 4,044.40
Mobilization (5%)				\$ 2,022.20
			Total	\$ 46,510.60

This summary of probable construction cost was prepared for estimating purposes only. High Country Engineering, Inc. cannot be held responsible for variances from this estimate as actual costs may vary due to bid and market fluctuations.

Number 1943

5 Shares

The Farmers' Irrigation Company

Capital Stock 500,000.00

This is to Certify, That SILT HEIGHTS SUBDIVISION HOA is the owner of -FIVE- full paid shares of the Capitol Stock of **The Farmers' Irrigation Company**, transferrable only on the books of the Company upon surrender of this Certificate duly assigned.

Each of the share entitles the owner to one-hundredth (1/100) part of one (1) cubic foot of water per second of time during each irrigation season, for irrigation and domestic purposes only, to be measured and delivered by the Company from it's irrigation system according to the Company's rules and regulations.

Each of said shares of stock is subject to an annual assessment of fifty cents, and to such special assessments as the Company may from time to time levy, for the purposes provided in the Certificate of Incorporation and By-Laws of the Company.

This is to Certify The Farmers' Irrigation Company has caused this Certificate to be signed by it's duly authorized officers and the seal of the Company to be hereunto affixed, this 7TH day of, NOVEMBER A.D. 2007

Pearl Knight

Secretary

Scott Rodden

President

SHARES 100.00 EACH

EXHIBIT "A"

A tract of land situated in the NE1/4SE1/4 and SE1/4SE1/4 of Section 28, the NW1/4SW1/4 and SW1/4SW1/4 of Section 27 and the NW1/4NW1/4 of Section 34, Township 5 South, Range 92 West of the 6th P.M., County of Garfield, state of Colorado, said tract of land being more particularly described as follows:

(All bearings in this description are relative to the West line of the SW1/4 of said Section 27 as Bearing North 00°12'00" West)

Beginning at the Southwest Corner of said Section 27, said Southwest Corner being a brass cap and standard monument P.L.S. #10732; then South 00°05'33" East along the West line of said NW1/4NW1/4 of said Section 34 a distance of 69.92 feet; then departing said West line 119.59 feet along the arc of a non-tangent curve to the right having a radius of 66.79 feet, a central angle of 102°35'11" and a chord which bears North 51°04'22" East 104.24 feet; then South 77°37'58" East 20.94 feet; then 107.49 feet along the arc of a curve to the left having a radius of 800.00 feet, a central angle of 07°41'54" and a chord which bears South 81°28'55" East 107.41 feet; then South 85°19'52" East 150.72 feet; then North 02°44'07" East 906.33 feet; then North 02°08'39" East 906.62 feet; then North 84°20'59" West 443.78 feet; then South 81°10'08" West 582.74 feet, then South 01°06'08" East 443.92 feet; then South 06°15'25" East 760.77 feet; then 35.11 feet along the arc of a curve to the left having a radius of 160.00 feet, a central angle of 12°34'23" and a chord which bears South 12°32'39" East 35.04 feet; then South 18°49'52" East 200.24 feet; then 94.65 feet along the arc of curve to the left having a radius of 400.00 feet, a central angle of 13°33'28" and a chord which bears South 25°36'37" East 94.43 feet; then South 61°22'12" East 236.68 feet; then South 64°02'26" East 187.83 feet to the East Line of said SE1/4SE1/4; then along said East line South 00°12'00" East 21.00 feet to the POINT OF BEGINNING.

J.H.



330523 06/14/1996 10:18A B1083 P500 M ALSDDRF
2 of 2 R 11.00 D 0.00 GARFIELD COUNTY CO

Receiv
Keep

Receipts

QUITCLAIM DEED

THIS DEED, made this 7TH day of AUGUST, 19 98,
between JAMES R. HUBBARD

of the

County of GARFIELD and State of COLORADO
grantor(s), and TERRI PATRICK

whose legal address is 1175 City Blvd. 259
Rifle, CO 81650
of the County of GARFIELD and State of COLORADO

grantee(s):
WITNESS, that the grantor(s), for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars, the receipt and sufficiency of which is hereby acknowledged, has renized, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee(s), her heirs, successors and assigns forever, all the right, title, interest, claim and demand which the grantor(s) has in and to the real property, together with improvements, if any, situate, lying and being in the County of GARFIELD and State of Colorado, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF

9807046

also known by street and number as:
assessor's schedule or parcel number:

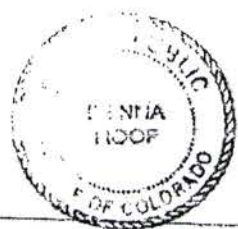
TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s) her heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

James R. Hubbard
JAMES R. HUBBARD

STATE OF COLORADO)
County of GARFIELD) ss.
)

The foregoing instrument was acknowledged before me this 7TH day of AUGUST, 19 98,
by JAMES R. HUBBARD



Witness my hand and official seal.
My commission expires: 09-27-01

Dennis Hoop
127 E. 5TH ST., RIFLE, CO 81650
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§30-35-106.5, C.R.S.)

Return to: Terri Patrick 1175 City Blvd. 259, Rifle CO 81650

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Exhibit A
PROPERTY DESCRIPTION
"TRACT 1"

A TRACT OF LAND SITUATED IN THE NE1/4SE1/4 AND THE SE1/4SE1/4 OF SECTION 28, THE NW1/4SW1/4 AND THE SW1/4SW1/4 OF SECTION 27 AND THE NW1/4NW1/4 OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 27 AS BEARING N.00°12'00"W.)

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 27, SAID SOUTHWEST CORNER BEING A BRASS CAP AND STANDARD MONUMENT P.L.S. #10732; THEN S.00°05'33"E. ALONG THE WEST LINE OF SAID NW1/4NW1/4 OF SAID SECTION 34 A DISTANCE OF 69.92 FEET; THEN DEPARTING SAID WEST LINE 119.59 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 66.79 FEET, A CENTRAL ANGLE OF 102°35'11" AND A CHORD WHICH BEARS N.51°04'22"E. 104.24 FEET; THEN S.77°37'58"E. 20.94 FEET; THEN 107.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 07°41'54" AND A CHORD WHICH BEARS S.81°28'55"E. 107.41 FEET; THEN S.85°19'52"E. 150.72 FEET; THEN N.02°44'07"E. 906.33 FEET; THEN N.02°08'39"E. 906.62 FEET; THEN N.84°20'59"W. 443.78 FEET; THEN S.81°10'08"W. 582.74 FEET; THEN S.01°06'08"E. 443.92 FEET; THEN S.06°15'25"E. 760.77 FEET; THEN 35.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 12°34'23" AND A CHORD WHICH BEARS S.12°32'39"E. 35.04 FEET; THEN S.18°49'52"E. 208.24 FEET; THEN 94.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 13°33'28" AND A CHORD WHICH BEARS S.25°36'37"E. 94.43 FEET; THEN S.61°22'12"E. 236.68 FEET; THEN S.64°02'26"E. 187.83 FEET TO THE EAST LINE OF SAID SE1/4SE1/4; THEN ALONG SAID EAST LINE S.00°12'00"E. 21.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 36.44 ACRES AS DESCRIBED.

12/FEB/1997
9604571.DOC
corrected 17/feb/1998



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WARRANTY DEED

THIS DEED, Made this 16th day of July, 1997, between KENNETH L. ELDER and JANEY RUTH ELDER aka J. RUTH ELDER aka RUTH ELDER, of the County of Garfield and State of Colorado, Grantors, and JAMES R. HUBBARD and TERRI PATRICK, Tenants in Common, whose legal address is P. O. Box 561, Rifle, of the County of Garfield, State of Colorado, Grantees:

WITNESSETH, That the Grantors for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the Grantees, their heirs, successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield, State of Colorado described as follows:

That real property described on Exhibit A attached hereto, subject to a permanent, non-exclusive access and utility easement described as set forth on Exhibit B, which access and utility easement is for the benefit of the properties described on Exhibit A, as well as Exhibit C, D and E attached hereto. All exhibits attached hereto are incorporated herein by reference.

Also subject to easements in location to be determined as necessary and sufficient for the construction, operation and maintenance of pumps and buried pipelines from the Farmers Irrigation Ditch to the parcels described on Exhibits D and E attached to this deed.

By accepting delivery of the within deed, Grantees covenant and agree not to place, at any time, a gate or other obstruction across the easement described on Exhibit B attached to this deed, unless Grantees have obtained, in writing, the permission of all property owners who have a lawful right to use said easement. This covenant shall run with the land, shall be perpetual, and shall be binding upon Grantees' co-owners and successors. This covenant shall not prevent construction of a cattle guard on said easement.

TOGETHER with any wells, well water and water rights used in, on or in connection with said property, including five (5) shares of Farmers Irrigation Ditch stock, together with easements and ditches in place and in use sufficient to divert, transport and use said water on the property described in Exhibit A.

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 Grantors, either in law or equity, of, in and to the above-bargained premises, with the hereditaments and appurtenances.

Return to: Stowers + George P.C.
P.O. Box 907
R. Fk. CO 81650

9704017



51189 07/17/1997 09:08 81626 1376 432
1 of 7 R 35.00 D 10.00 GARFIELD CLERK

110 00

EXHIBIT A

A TRACT OF LAND SITUATED IN THE NE¹/₄ NE¹/₄ AND THE SE¹/₄ NE¹/₄ OF SECTION 28, THE NW¹/₄ SW¹/₄ AND THE SW¹/₄ SW¹/₄ OF SECTION 27 AND THE NW¹/₄ NW¹/₄ OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¹/₄ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 27, SAID SOUTHWEST CORNER BEING A BRASS CAP AND STANDARD MONUMENT P.L.S. #10732; THEN S. 00°05'33" E. ALONG THE WEST LINE OF SAID NW¹/₄ NW¹/₄ OF SAID SECTION 34 A DISTANCE OF 69.92 FEET; THEN DEPARTING SAID WEST LINE 119.59 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 66.79 FEET, A CENTRAL ANGLE OF 102°35'11" AND A CHORD WHICH BEARS N. 51°04'22" E. 104.24 FEET; THEN S. 77°37'58" E. 20.94 FEET; THEN 107.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 07°41'54" AND A CHORD WHICH BEARS S. 81°28'55" E. 107.41 FEET; THEN S. 85°19'52" E. 150.72 FEET; THEN N. 02°44'07" E. 906.33 FEET; THEN N. 02°08'39" E. 906.62 FEET; THEN N. 84°20'59" W. 443.78 FEET; THEN S. 81°10'08" W. 582.74 FEET; THEN S. 01°06'08" E. 443.92 FEET; THEN S. 06°15'25" E. 760.77 FEET; THEN 35.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 12°34'23" AND A CHORD WHICH BEARS S. 12°32'39" E. 35.04 FEET; THEN S. 18°49'52" E. 203.24 FEET; THEN 94.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 13°33'28" AND A CHORD WHICH BEARS S. 25°36'37" E. 94.43 FEET; THEN S. 61°22'12" E. 236.68 FEET; THEN S. 64°02'26" E. 187.83 FEET TO THE EAST LINE OF SAID SE¹/₄ NE¹/₄; THEN ALONG SAID EAST LINE S. 00°12'00" EAST 21.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 36.44 ACRES AS DESCRIBED:

511058 07/17/1997 09:00N 21028 P388 431
3 of 7 R 36.00 D 10.00 N 9.00 GARFIELD CLERK

EXHIBIT B

AN EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTILITIES, SAID EASEMENT BEING THIRTY FEET (30.00') IN WIDTH, SAID EASEMENT ENCOMPASSING THE FOLLOWING DESCRIBED AREA BEING SITUATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT A POINT FROM WHICH THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 27 BEARS N. 25°35'02" W. 960.08 FEET, SAID WEST $\frac{1}{4}$ CORNER BEING A BLM STANDARD MONUMENT; THEN S. 02°08'39" W. 908.31 FEET; THEN S. 02°44'07" W. 905.16 FEET; THEN S. 85°19'53" E. 30.02 FEET; THEN N. 02°44'07" E. 906.33 FEET; THEN N. 02°08'39" E. 906.62 FEET; THEN N. 84°20'59" W. 30.05 FEET TO THE POINT OF BEGINNING.

4 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT C

A TRACT OF LAND SITUATED IN THE NW¼ SW¼ AND THE SW¼ SW¼ OF SECTION 27 AND IN THE NW¼ NW¼ OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¼ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT A POINT FROM WHICH THE WEST ¼ CORNER OF SAID SECTION 27 BEARS S. 84°20'59" W. 443.78 FEET AND N. 00°12'00" W. 825.23 FEET; THEN S. 02°08'39" W. 906.62 FEET; THEN S. 02°44'07" W. 906.33 FEET; THEN 100.13 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 09°33'41" AND A CHORD WHICH BEARS N. 89°53'18" E. 100.01 FEET; THEN N. 85°06'28" E. 50.78 FEET; THEN S. 86°55'12" E. 48.76 FEET; THEN S. 84°38'31" E. 90.46 FEET; THEN 124.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 161.89 FEET, A CENTRAL ANGLE OF 43°56'39" AND A CHORD WHICH BEARS N. 73°23'09" E. 121.14 FEET; THEN N. 51°24'50" E. 131.89 FEET; THEN 276.29 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1109.00 FEET, A CENTRAL ANGLE OF 14°16'27" AND A CHORD WHICH BEARS N. 58°23'04" E. 275.57 FEET; THEN N. 65°41'17" E. 255.46 FEET TO THE EAST LINE OF SAID SW¼ SW¼; THEN N. 00°13'24" W. ALONG SAID EAST LINE 875.01 FEET TO THE NORTHEAST CORNER OF SAID SW¼ SW¼; THEN N. 00°13'24" W. ALONG THE EAST LINE OF SAID NW¼ SW¼ 488.85 FEET; THEN DEPARTING SAID EAST LINE N. 84°20'59" W. 328.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 35.07 ACRES AS DESCRIBED.

311255 07/17/1997 09:00A D1026 P382 432
5 of 7 R 35.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT D

A TRACT OF LAND SITUATED IN THE NW¼ SW¼ AND THE SW¼ NW¼ OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¼ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT THE NORTHEAST CORNER OF SAID SW¼ NW¼, SAID NORTHEAST CORNER BEING A #5 REBAR AND ALUMINUM CAP, P.L.S. #27613, THEN N. 84°07'32" W. ALONG THE NORTH LINE OF SAID SW¼ NW¼ 797.33 FEET; THEN DEPARTING SAID NORTH LINE S. 00°00'00" E. 1306.98 FEET; THEN S. 12°38'49" W. 827.09 FEET; THEN S. 84°20'59" E. 828.29 FEET TO THE EAST LINE OF SAID NW¼ SW¼; THEN N. 00°13'24" W. ALONG SAID EAST LINE 825.26 FEET TO THE NORTHEAST CORNER OF SAID NW¼ SW¼; THEN N. 00°10'51" W. ALONG THE EAST LINE OF SAID SW¼ NW¼ 1304.81 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 36.36 ACRES AS DESCRIBED.

6 of 7 R 36.00 D 18.00 N 0.00 GARFIELD CLERK

Exhibit A

TRACT 1

A TRACT OF LAND SITUATED IN THE NE1/4SW1/4 AND THE SE1/4SE1/4 OF SECTION 26, THE NW1/4SW1/4 AND THE SW1/4SW1/4 OF SECTION 27 AND THE NW1/4NW1/4 OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 20 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 27 AS BEARING N.00°12'00"W.)

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 27, SAID SOUTHWEST CORNER BEING A BRASS CAP AND STANDARD MONUMENT P.L.S. #10992; THEN S.00°01'20"W. ALONG THE WEST LINE OF SAID NE1/4SW1/4 OF SAID SECTION 26 A DISTANCE OF 69.92 FEET; THEN DEPARTING SAID WEST LINE 119.59 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 66.70 FEET, A CENTRAL ANGLE OF 100°07'11" AND A CHORD WHICH BEARS S.01°04'22"E. 104.24 FEET; THEN S.77°37'58"E. 20.94 FEET; THEN 107.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 07°41'54" AND A CHORD WHICH BEARS S.01°20'33"E. 107.41 FEET; THEN S.85°19'52"E. 150.72 FEET; THEN N.02°44'07"W. 906.32 FEET; THEN N.02°08'39"E. 906.62 FEET; THEN N.84°20'39"W. 443.78 FEET; THEN S.01°10'00"W. 500.74 FEET; THEN S.11°02'00"E. 400.94 FEET; THEN S.06°15'25"E. 760.79 FEET; THEN 35.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 12°34'23" AND A CHORD WHICH BEARS S.11°32'10"E. 35.00 FEET; THEN S.10°49'02"E. 708.24 FEET; THEN 94.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 13°33'28" AND A CHORD WHICH BEARS S.05°30'37"E. 204.40 FEET; THEN S.01°22'12"E. 200.00 FEET; THEN S.64°02'26"E. 187.83 FEET TO THE EAST LINE OF SAID SE1/4SE1/4; THEN ALONG SAID EAST LINE S.00°12'00"E. 21.00 FEET TO THE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINS 36.44 ACRES AS DESCRIBED.

12/FEB/1997
SIGNED: [Signature]
CORRECTED 17/FEB/1999



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RECEIVED

MAR 04 2008

PLANNING

December 29, 2006

High Country Engineering
C/o Dan Dennison

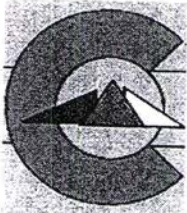
Re: Silt Heights Subdivision

I, Terri Patrick, do hereby give my permission for High Country Engineering to prepare and submit on my behalf as the applicant to the Garfield County Commissioners for the purpose of Final Plat for the Silt Heights Subdivision.

Make sure all papers are in order Everything complete!



Terri Patrick



GARFIELD COUNTY
Building & Planning Department
108 8th Street, Suite 201
Glenwood Springs, Colorado 81601
Telephone: 970.945.8212 Facsimile: 970.384.3470
www.garfield-county.com

Subdivision Application Form

GENERAL INFORMATION

(To be completed by the applicant.)

- Subdivision Name: Silt Heights Subdivision
- Type of Subdivision (check one of the following types):
Sketch Plan Preliminary Plan Final Plat
- Name of Property Owner (Applicant): Silt Heights Subdivision
- Address: P.O. Box 561 Telephone: 970-625-2534
- City: Rifle State: CO Zip Code: 81650 FAX: _____
- Name of Owner's Representative, if any (Attorney, Planner, etc):
High Country Engineering, Inc.
- Address: 1517 Blake Ave, Ste 101 Telephone: 970-945-8676
- City: Glenwood Springs State: CO Zip Code: 81601 FAX: 970-945-2555
- Name of Engineer: High Country Engineering, CO
- Address: 1517 Blake Ave ste 101, ste 101 Telephone: 970-945-8676
- City: Glenwood Springs State: CO Zip Code: 81601 FAX: 970-945-2555
- Name of Surveyor: High Country Engineering, Inc.
- Address: 1517 Blake Ave, Ste 101 Telephone: 970-945-8676
- City: Glenwood Springs State: CO Zip Code: 81601 FAX: 970-945-2555
- Name of Planner: High Country Engineering, Inc
- Address: 1517 Blake Ave, ste 101 Telephone: 970-945-8676
- City: Glenwood Springs State: CO Zip Code: 81601 FAX: 970-945-2555

GENERAL INFORMATION continued...

- Location of Property: Section 27,28,34 Township 5 SOUTH Range 92 WEST
- Practical Location / Address of Property: County Road 259
- Current Size of Property to be Subdivided (in acres): 36.435 Acres
- Number of Tracts / Lots Created within the Proposed Subdivision: 4 lots
- Property Current Land Use Designation:
 1. Property's Current Zone District: A/R/RD
 2. Comprehensive Plan Map Designation: Outlying Residential

Proposed Utility Service:

- Proposed Water Source: Individual Wells
- (See "Attachment C" to be completed with the Preliminary Plan Application)
- Proposed Method of Sewage Disposal: Individual Sewage Disposal Systems (ISDS)
- Proposed Public Access VIA: County Road 259
- Easements:
 - Utility: Qwest, Excel
 - Ditch: Farmers Irrigation
- Total Development Area (fill in the appropriate boxes below):

(1) Residential	Units / Lots	Size (Acres)	Parking Provided
Single-Family	4 units 4 lots	5+	4 per lot
Duplex			
Multi-Family			
Mobile Home			
Total	4 units 4 lots	5+	4 per lot

	Floor Area (sq. ft.)	Size (Acres)	Parking Provided
(2) Commercial	0	0	0
(3) Industrial	0	0	0
(4) Public / Quasi-Public	0	0	0
(5) Open Space / Common Area	0	0	0
Total	0	0	0

- Base Fee: Sketch Plan - \$325.00; Prelim Plan - \$675.00; Final Plat - \$200; Plat Review Fee

I. THE SUBDIVISION PROCESS

In order to subdivide land in Garfield County, an Applicant is required to complete the following land use processes in the following order: 1) Sketch Plan Review Process, 2) Preliminary Plan Review Process, and 3) Final Plat Review Process. This section will briefly describe the nature of each process and provide general direction including subdivision regulation citations to a potential applicant requesting subdivision approval in Garfield County. All of the Garfield County Zoning and Subdivision Regulations are located for purchase at the Planning Department and can also be found on the World Wide Web at the following address: http://www.garfield-county.com/building_and_planning/index.htm

A) The Sketch Plan Review (Section 3:00 of the Subdivision Regulations)

1. Purpose

The purpose of the Sketch Plan process is to allow an individual an opportunity to propose a subdivision in a "sketch" format to the Planning Department and the Garfield County Planning Commission in order to obtain a cursory review for compliance with the County's land use review documents, regulations, and policies to identify any issues that would need to be addressed if the proposed subdivision were to be pursued.

2. Applicability

Any individual proposing a subdivision in Garfield County is required to complete the Sketch Plan review process as the first step in Garfield County's Subdivision process. More specifically, Garfield County defines a subdivision (Section 2:20.48) as the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or separate interests, or the use of any parcel of land for condominiums, apartments or other multiple-dwelling units, as further defined by Colorado state law.

3. Application / Submittal Requirements

In order to apply for a Sketch Plan Review an Applicant is responsible for reviewing Section 3:00 of the Subdivision Regulations and providing enough information to the Planning Department in the application to conduct a thorough review and provide the resulting comments to the Planning Commission for their review and comments. Specifically, Section 3:30, 3:32, and 3:40 of the Subdivision Regulations contain the specific information required to be submitted to the Planning Department in order to satisfy the application requirements in addition to the information requested on this application form.

4. Process / Public Meeting

The Sketch Plan review process is considered a 1-step process because the application is reviewed only by the Planning Commission at a public meeting. In order to appear before the Planning Commission, an applicant will have submitted all required application submittal requirements mentioned above to the Planning Department Staff. Once submitted, Staff will have 15 working days to review the application to determine if all the required submittal information has been submitted as required.

If Staff determines that all the required information has been submitted, a letter will be sent to the applicant indicating the application has been deemed "technically complete." It is at this point Staff will also indicate when the application has been scheduled to be reviewed before the Planning Commission and will request the applicant supply additional copies to provide the Commission for their review.

If Staff determines that all the required information has not been submitted, a letter will be sent to the applicant indicating the application does not comply with the submittal

requirements and therefore has determined the application to be "technically incomplete." The letter will also outline the applications deficiencies so that the applicant knows what additional information needs to be submitted. At this point, the applicant has 6 months (180 days) to provide the necessary information to the Planning Department to remedy the application so that it may be deemed technically complete. If the application has not been deemed technically complete within this time, the application will be terminated.

Once the application has been deemed technically complete and a date has been established as to when the Planning Commission will review the application, Staff will conduct a land use review of the application using the County's land use regulatory documents including the Zoning Resolution, Subdivision Regulations, and the Comprehensive Plan of 2000. In addition, Staff will also consider referral comments provided from a variety of state and local agencies who may also review the application. As a result, Staff will write a Memorandum on the proposed subdivision to the Planning Commission containing the results on the land use analysis. This Memorandum will also be furnished in advance to the applicant.

At the date and time set for the public meeting before the Planning Commission, Staff will present the findings in the Memorandum and the applicant will be required to present the proposed subdivision and respond to comments and questions provided by the Planning Commission. The comments provided to the Applicant by the Planning Department and the Planning Commission as a result of the Sketch Plan Process will be kept on file in the Planning Department for 1-year from the meeting date before the Planning Commission. If an Applicant does not submit a Preliminary Plan application to the Planning Department within the 1-year timeframe, the Sketch Plan file will be closed and the Applicant will need to reapply for a Sketch Plan review prior to a Preliminary Plan review.

B) Preliminary Plan Review (Section 4:00 of the Subdivision Regulations)

1. Purpose

The purpose of the Preliminary Plan review process is to conduct a thorough review of the many aspects that are associated with dividing land in Garfield County for the purposes of residential, commercial, and industrial development. This is the most intensive review step where the Building and Planning Staff, the Planning Commission, and the Board of County Commissioners (BOCC) will conduct a thorough review of all the issues associated with the proposed subdivision against the County's regulatory requirements. Ultimately, the purpose of this process is to identify all the major issues in the proposed subdivision by using the County's Zoning Resolution, Subdivision Regulations, Comprehensive Plan of 2000, as well as other state and local referral agencies that will provide comments on any issues raised in their review. This is the process that will either approve or deny the application request.

2. Applicability

Any individual proposing a subdivision in Garfield County is required to complete the Preliminary Plan review process as the second and most intensive step in Garfield County's Subdivision process. More specifically, Garfield County defines a subdivision as the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or separate interests, or the use of any parcel of land for condominiums, apartments or other multiple-dwelling units, as further defined by Colorado state law.

3. Application / Submittal Requirements

In order to apply for a Preliminary Plan Review, an Applicant must have already completed the Sketch Plan review process addressed in Section 3:00 of the Subdivision Regulations.

An applicant requesting Preliminary Plan review will be required to submit this application form, all the required submittal information contained in Sections 4:40 to 4:94 of the Subdivision Regulations as well as address all of the applicable Design and Improvement Standards in Section 9:00 of the Subdivision Regulations.

In addition to the substantive submittal information related to the proposed subdivision project itself, an applicant is required to complete all the public notice requirements so that legal public hearings can be held before the Planning Commission and the BOCC which is addressed in Sections 4:20 – 4:31 of the Subdivision Regulations.

4. Process / Public Hearings

The Preliminary Plan review process is considered a 2-step process because the application is ultimately reviewed by two County decision-making entities during public hearings: the Planning Commission who makes a recommendation to the BOCC.

In order to obtain dates for the public hearings before the Planning Commission and the BOCC, an applicant will have submitted all required application submittal requirements mentioned above to the Planning Department Staff. Once submitted, Staff will have 30 working days to review the application to determine if all the required submittal information has been submitted as required.

If Staff determines that all the required information has been submitted, a letter will be sent to the applicant indicating the application has been deemed "technically complete." It is at this point Staff will also indicate when the application has been scheduled to be reviewed before the Planning Commission / BOCC. Additionally, Staff will provide the applicant with the notice forms to be mailed, published, and posted.

If Staff determines that all the required information has not been submitted, a letter will be sent to the applicant indicating the application does not comply with the submittal requirements and therefore has determined the application to be "technically incomplete." The letter will also outline the applications deficiencies so that the applicant knows what additional information needs to be submitted. At this point, the applicant has 6 months (180 days) to provide the necessary information to the Planning Department to remedy the application so that it may be deemed technically complete. If the application has not been deemed technically complete within this time, the application will be terminated.

Once the application has been deemed technically complete and a date has been established as to when the Planning Commission / BOCC will review the application, Staff will conduct a land use review of the application using the County's land use regulatory documents including the Zoning Resolution, Subdivision Regulations, and the Comprehensive Plan of 2000. In addition, Staff will also consider referral comments provided from a variety of state and local agencies who may also review the application. As a result, Staff will write a Memorandum on the proposed subdivision to the Planning Commission / BOCC containing the results on the land use analysis. This Memorandum will also be furnished in advance to the applicant prior to the public hearings.

As mentioned above, Staff makes a recommendation to the Planning Commission and the BOCC regarding the issues raised in the analysis of the proposed subdivision. The

Applicant will first propose the subdivision to the Planning Commission who is responsible for making a recommendation of approval, approval with conditions, or denial to the BOCC. Next, the application will be reviewed by the BOCC during a regular public hearing. The BOCC will consider the recommendations from the Planning Staff and the Planning Commission, the information presented by the applicant, and the public. As a result, the BOCC is the final decision-making entity regarding the proposed subdivision and will either approve, approve with conditions, or deny the application.

If the BOCC approves the subdivision application at the public hearing, the approval shall be valid for a period not to exceed one (1) year from the date of Board approval, or conditional approval, unless an extension of not more than one (1) year is granted by the Board prior to the expiration of the period of approval. (See the specific information provided in Section 4:34 of the Subdivision Regulations.) Following the hearing, Staff will provide a resolution signed by the BOCC which memorializes the action taken by the Board with any / all conditions which will be recorded in the Clerk and Recorder's Office. Once an applicant has Preliminary Plan approval, they are required to complete the third and final step in the County's Subdivision Process: Final Plat Review.

C) Final Plat Review (Section 5:00 of the Subdivision Regulations)

1. Purpose

The purpose of the Final Plat review process is to provide the applicant with a mechanism to prove to the County that all the conditions of approval required during the Preliminary Plan review process have been met / addressed to the satisfaction of the Planning Staff and the BOCC. This being the case, the chairman of the BOCC will sign the Final Plat and have it recorded memorializing the subdivision approval granted by the BOCC. This is the last step in the County's subdivision process.

2. Applicability

Any individual proposing a subdivision in Garfield County is required to complete the Final Plat review process as the third and last step in Garfield County's Subdivision process. More specifically, Garfield County defines a subdivision as the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or separate interests, or the use of any parcel of land for condominiums, apartments or other multiple-dwelling units, as further defined by Colorado state law.

3. Application / Submittal Requirements

In order to apply for a Final Plat review, an Applicant must have already completed the Preliminary Plan review process addressed in Section 4:00 of the Subdivision Regulations.

An applicant requesting Final Plat review will be required to submit this application form, all the required submittal information contained in Section 5:00 of the Subdivision Regulations and responses to all the conditions of approval required as part of the Preliminary Plan review process.

4. Process

The Final Plat review process is considered a 1-step process because the application is ultimately reviewed by the Building and Planning Staff and presented to the BOCC for their signature if the application satisfies all the required submittal information to the satisfaction of the Building and Planning Department.

If Staff determines that all the required information has been submitted, a letter will be sent to the applicant indicating the application has been deemed "technically complete." It is at this point Staff will also indicate when the application has been scheduled to be presented to the BOCC for signature. (This is not a public hearing or meeting and therefore does not require public notice.)

If Staff determines that all the required information has not been submitted, a letter will be sent to the applicant indicating the application does not comply with the submittal requirements and therefore has determined the application to be "technically incomplete." The letter will also outline the applications deficiencies so that the applicant knows what additional information needs to be submitted.

Once the application has been deemed technically complete and a date has been established as to when the BOCC will review the Final Plat, Staff will review the application / Final Plat in terms of adequacy to determine if all the submittal information satisfies the Final plat requirements as well as the responses to the conditions of approval. During this review, Staff will forward the Final Plat the County Surveyor for review and a signature. In the event there are additional questions or clarification issues to be addressed, the County Surveyor will generally contact the applicant to have the plat adjusted as necessary. Once, Staff has completed the review and all required information has been submitted to the satisfaction of the Planning Department and the County Surveyor has signed the Final Plat in Mylar form, it will be scheduled at the next BOCC meeting to be placed on the consent agenda with a request to authorize the Chairman of the BOCC to sign the plat.

Once the Final Plat is signed, it is then recorded by the County Clerk in the Clerk and Recorder's Office for a fee of \$11 for the first sheet and \$10 for each additional sheet thereafter. This fee shall be paid by the applicant. This act of recording the signed Final Plat represents the completion of the Garfield County Subdivision Process.

Please refer to the specific language in the Final Plat portion (Section 5:00) of the Subdivision Regulations for specific timelines and additional responsibilities required of the applicant to complete the Final Plat process.

Please Note: This information presented above is to be used as a general guide for an applicant considering a subdivision in Garfield County. It is highly recommended that an applicant either purchase the Garfield County Zoning Resolution and Subdivision Regulations or access them on-line at: http://www.garfield-county.com/building_and_planning/index.htm in order to ascertain all the necessary requirements for each of the three steps including Sketch Plan Review, Preliminary Plan Review, and Final Plat Review.

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

Daniel Davin
(Signature of applicant/owner)

3/30/04
Date

Last Revised: 11/21/2002

**GARFIELD COUNTY FINAL PLAT REQUIREMENTS
SILT HEIGHTS SUBDIVISION**

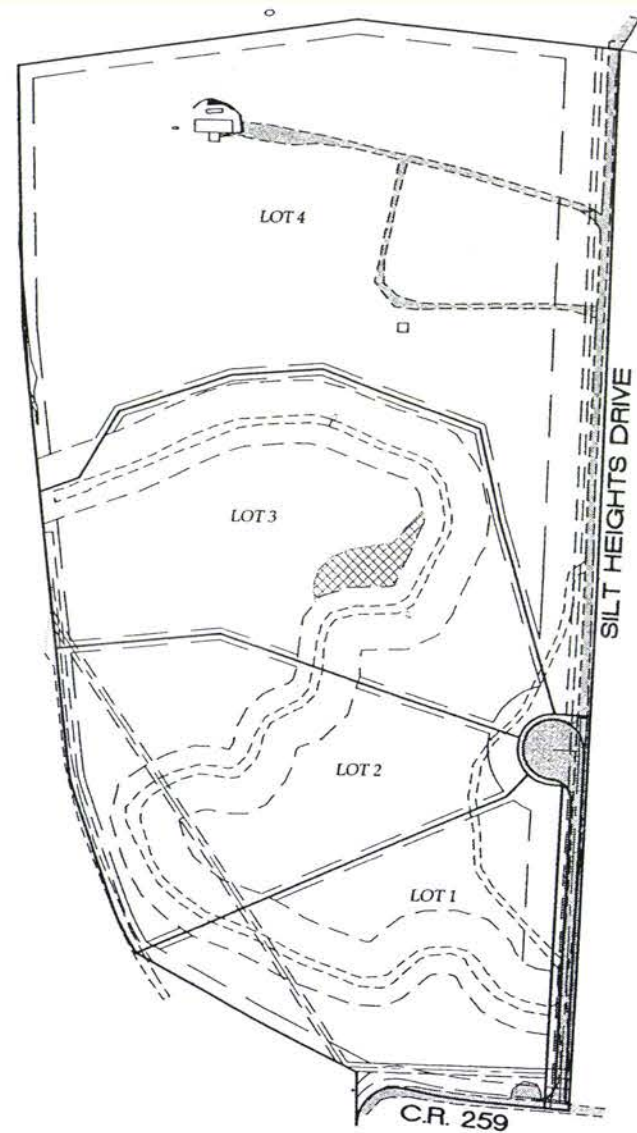
The following outlines each element of the subdivision regulations and notes generally where this information can be found in the application.

REGULATION REFERENCE

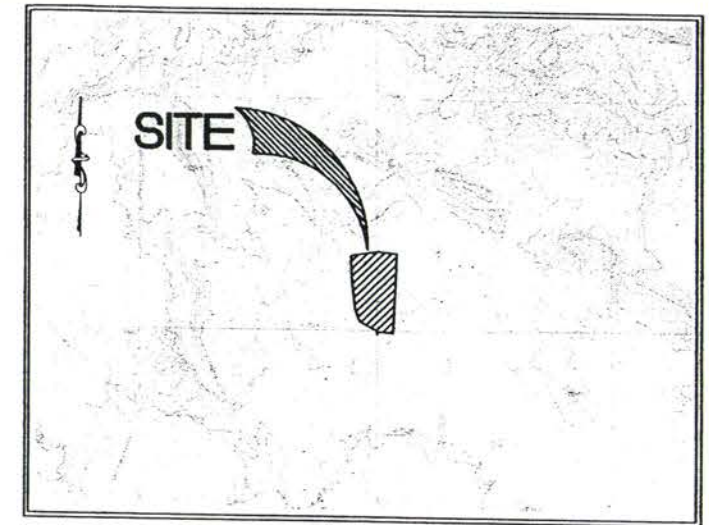
SECTION NO.	DESCRIPTION	LOCATION
5.20	FINAL PLAN MAP	
5.22 A	Name of Subdivision	Tab B - SHEET # 1-6
5.22 B	Date, scale, etc.	Tab B - SHEET # 1-6
5.22 C	Control points and monuments	Tab B - SHEET #2
5.22 D	Street names and lot numbers	Tab B - SHEET # 2-5
5.22 E	Location of major drainages	Tab B - SHEET # 3
5.22 F	Vicinity Map	Tab B - SHEET # 1 & 2
5.22 G	Labeled tract, lot, boundaries, etc	Tab B - SHEET # 2
5.23 A	Monumentation	Tab B - SHEET # 2
5.23 B	Perimeter Boundary Monumentation	Tab B - SHEET # 2
5.23 C	Elevation Bench Marks	Tab B - SHEET # 4
5.24 A	Property owners, etc.	Tab B - SHEET # 2
5.24 B	Acreage chart	Tab B - SHEET # 2
5.24 C	County Surveyor Certificate	Tab B - SHEET # 2
5.24 D	Indication of dedication of sites	Tab B - SHEET # 2
5.24 E	Certificate of Dedication and Ownership	Tab B - SHEET #2
5.24 F	Surveyor's Certificate	Tab B - SHEET #2
5.24 G	Monument Record Forms	Directly to Garco Surveyor
5.24 H	Attorney's Certificate	Tab B - SHEET #2
5.24 I	County Commissioners Cert	Tab B - SHEET #2
5.24 J	County Clerk and Rec. Cert.	Tab B - SHEET #2
5.25 A-G	Condominium Data	N/A
5.30	SUPPLEMENTAL INFORMATION	
5.31 A	Engineering Plans (marked as "Approved for construction" after review)	Tab B - HCE
5.31 A	Cost estimate	Tab P - HCE
5.31 B	Subdivision Imp. Agreement	Tab E - Stuver & Lemoine
5.31 C	Cert. Of Taxes Paid	Tab P
5.31 D	Covenants	Tab D - Stuver & Lemoine
5.31 E	Evidence of service to all lots with applicable utilities/roads	Tab B - HCE
5.31 F	Approved site location from CDOH	Tab K
5.31 G	Evidence of Legal Water Supply	Tab K
5.31 H	School and fire district fees	County
5.31 I	ISDS Management Plan	Tab O - HCE
5.32	Condominums data	N/A

SILT HEIGHTS SUBDIVISION

FINAL PLAT DOCUMENTS FOR
GARFIELD COUNTY, COLORADO



PROJECT LAYOUT



SECTIONS 27, 28 & 34, TOWNSHIP 5 S., RANGE 92 W., 6TH P.M.
VICINITY MAP
SCALE: 1" = 2000'

SCALE: 1" = 150'

SHEET INDEX

<u>SHEET NUMBER</u>	<u>TITLE</u>
1.	COVER SHEET
2.	FINAL PLAT
3.	EXISTING CONDITIONS MAP
4.	GRADING, DRAINAGE AND EROSION CONTROL PLAN
5.	SILT HEIGHTS DRIVE PLAN AND PROFILE
6.	MASTER UTILITY PLAN
7.	DETAIL SHEET

OWNERS:

TERRI PATRICK
PO BOX 581
RIFLE, COLORADO 81650
PHONE: (970) 625-2534



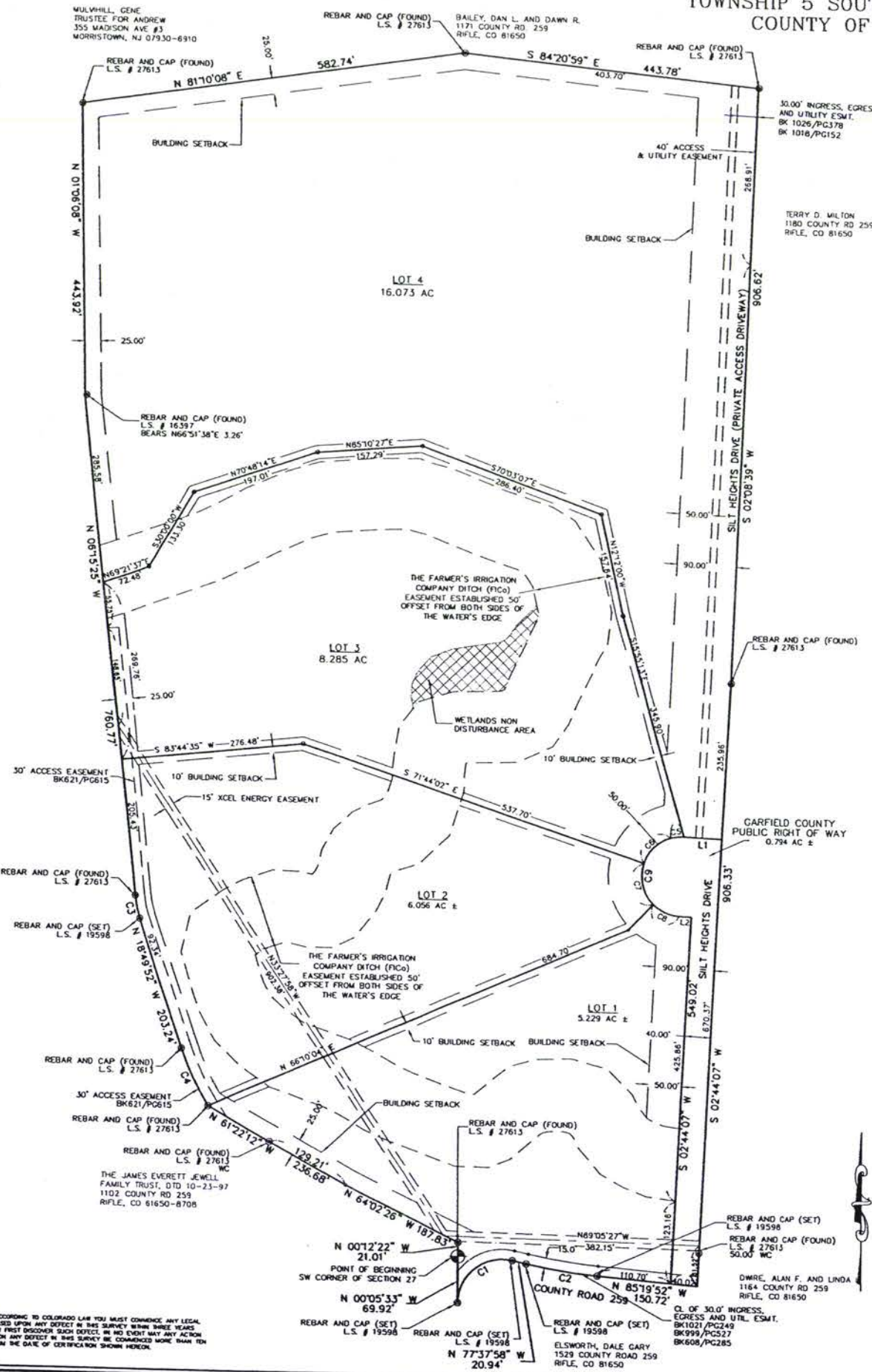
ENGINEER:

HIGH COUNTRY ENGINEERING, INC.
CONSULTING ENGINEERS AND SURVEYORS
1517 BLAKE AVENUE, SUITE 101
GLENWOOD SPRINGS, COLORADO 81601
(970) 945-8676

SILT HEIGHTS SUBDIVISION

SITUATED IN THE W1/2SW1/4 OF SECTION 27, E1/2SE1/4 OF SECTION 28, AND THE NW1/4NW1/4 OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO

SHEET 1 OF 1



PLAT NOTES:

1. BASIS OF BEARING FOR THE SURVEY IS A BEARING OF $N00^{\circ}18'21''W$ BETWEEN THE SOUTHWEST CORNER OF SECTION 34, A 3" BRASS CAP L.S. NO. 10732 IN PLACE AND THE NORTHWEST CORNER OF SECTION 34, A 3" BRASS CAP L.S. NO. 10732 IN PLACE.
2. THE REAL PROPERTY DESCRIBED HEREIN IS SUBJECT TO THE TERMS, PROVISIONS AND CONDITIONS OF (1) GARFIELD COUNTY APPROVAL RESOLUTION NO. _____ CAPTIONED "A RESOLUTION CONCERNED WITH THE APPROVAL OF A PRELIMINARY PLAN FOR THE SILT HEIGHTS SUBDIVISION" RECORDED IN BOOK _____ AT PAGE _____ AND RECEPTION NO. _____ AND (2) THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THE SILT HEIGHTS SUBDIVISION RECORDED IN BOOK _____ AT PAGE _____ AND RECEPTION NO. _____ (HEREINAFTER "PROTECTIVE COVENANTS").
3. THAT ALL EXPENSE FOR STREET MAINTENANCE SHALL BE FURNISHED BY THE SILT HEIGHTS SUBDIVISION HOMEOWNERS' ASSOCIATION, NOT BY THE COUNTY OF GARFIELD.
4. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, EACH LOT WILL BE STAKED AND CERTIFIED BY A REGISTERED LAND SURVEYOR VERIFYING BUILDING LOCATION WITHIN APPROVED ENVELOPE.
5. GRADING FOR CONVEYANCE OF STORMWATER AWAY FROM STRUCTURES SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER. ALL OWNERS SHALL ALLOW FOR CONVEYANCE OF STORMWATER THROUGH THEIR LOT.
6. ONE (1) DOG WILL BE ALLOWED FOR EACH RESIDENTIAL UNIT AND THE DOG SHALL BE REQUIRED TO BE CONFINED WITHIN THE OWNER'S PROPERTY BOUNDARIES.
7. ANY WETLANDS ON THIS PROPERTY NOT TO BE PRESERVED AS OPEN SPACE WILL BE RESTRICTED TO NO DEVELOPMENT AND BE AVOIDED THROUGH CAREFUL DESIGN OF LOTS AND DRIVEWAYS.
8. NO OPEN HEARTH SOLID-FUEL FIREPLACE WILL BE ALLOWED IN ANY NEW DWELLING ANYWHERE WITHIN THE SUBDIVISION. ONE (1) NEW SOLID-FUEL BURNING STOVE AS DEFINED BY C.R.S. 25-7-401, ET-SEQ. AND THE REGULATIONS PROMULGATED THEREUNDER, WILL BE ALLOWED IN ANY DWELLING UNIT. ALL DWELLING UNITS WILL BE ALLOWED AN UNRESTRICTED NUMBER OF NATURAL GAS BURNING STOVES AND APPLIANCES.
9. COLORADO IS A "RIGHT-TO-FARM" STATE PURSUANT TO C.R.S. 35-3-101, ET-SEQ. LANDOWNERS, RESIDENTS AND VISITORS MUST BE PREPARED TO ACCEPT THE ACTIVITIES, SOUNDS, SMELLS AND VIBRATIONS OF GARFIELD COUNTY'S AGRICULTURAL OPERATIONS AS A NORMAL AND NECESSARY ASPECT OF LIVING IN A COUNTY WITH A STRONG RURAL CHARACTER AND A HEALTHY RANCHING SECTOR. ALL MUST BE PREPARED TO ENCOUNTER NOISES, ODOR, LIGHTS, MUD, DUST, SMOKE, CHEMICALS, MACHINERY ON PUBLIC ROADS, LIVESTOCK ON PUBLIC ROADS, STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. ANY ONE OR MORE OF WHICH MAY NATURALLY OCCUR AS PART OF A LEGAL AND NON-NEGLECTED AGRICULTURAL OPERATIONS.
10. ALL OWNERS OF LAND, WHETHER RANCH OR RESIDENCE, HAVE OBLIGATIONS UNDER STATE LAW AND COUNTY REGULATIONS WITH REGARD TO THE MAINTENANCE OF FENCES AND IRRIGATION DITCHES, CONTROLLING WEEDS, KEEPING LIVESTOCK AND PETS UNDER CONTROL, USING PROPERTY IN ACCORDANCE WITH ZONING, AND OTHER ACTIVITIES OF USING AND MAINTAINING PROPERTY. RESIDENTS AND LANDOWNERS ARE ENCOURAGED TO LEARN ABOUT THESE RIGHTS AND RESPONSIBILITIES AND ACT AS GOOD NEIGHBORS AND CITIZENS OF THE COUNTY. A GOOD INTRODUCTORY SOURCE OF INFORMATION IS "A GUIDE TO RURAL LIVING AND SMALL SCALE AGRICULTURE" PUT OUT BY THE COLORADO STATE UNIVERSITY EXTENSION OFFICE IN GARFIELD COUNTY.
11. THE APPROVAL OF THIS PLAT SHALL CREATE A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED STATUTES, AS AMENDED.
12. EACH LOT ADDRESS SHALL BE MARKED AND LOCATED SO AS TO BE CLEARLY VISIBLE FROM THE NEAREST DEDICATED ROAD.
13. ALL STREETS ARE DEDICATED TO THE PUBLIC BUT ALL STREETS WILL BE CONSTRUCTED TO STANDARDS CONSISTENT WITH SECTION 9-35 OF THE SUBDIVISION REGULATION OF 1984, AS AMENDED AND REPAIR AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE INCORPORATED HOMEOWNERS ASSOCIATION OF THE SUBDIVISION.
14. BASED ON THE ANALYSIS OF THE SUBSOILS ON THE PROPERTY, INDIVIDUAL SEWAGE DISPOSAL SYSTEM AND FOUNDATION DESIGNS ARE REQUIRED TO BE CONDUCTED BY A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE WITHIN THE STATE OF COLORADO. THESE STUDIES AND OR PLANS SHALL BE SUBMITTED WITH THE INDIVIDUAL BUILDING PERMIT APPLICATION FOR EACH LOT. THE COST OF THESE STUDIES SHALL BE BORNE BY THE INDIVIDUAL PROPERTY OWNER.
15. THE MINERAL RIGHTS ASSOCIATED WITH THIS PROPERTY (ALSO KNOWN AS PARCELS 1, 2, 3, AND 4 OF THE SILT HEIGHTS SUBDIVISION) HAVE BEEN PARTIALLY SEVERED AND ARE NOT FULLY INTACT OR TRANSFERRED WITH THE SURFACE ESTATE THEREFORE ALLOWING THE POTENTIAL FOR NATURAL RESOURCE EXTRACTION ON THE PROPERTY BY THE MINERAL ESTATE OWNER(S) OR LESSEE(S).
16. THE WATER QUALITY ANALYSIS AS CONTAINED IN THE WATER SUPPLY PLAN PREPARED BY ZANCANELLA AND ASSOCIATES ON SEPTEMBER 1, 2005 STATES THAT THE WATER FROM THE WELL WAS TESTED AND FOUND TO HAVE A POOR QUALITY, IN THAT IT EXCEEDED THE MAXIMUM CONTAMINANT LEVEL FOR SELENIUM TURBIDITY, SODIUM, IRON, AND FLUORIDE. THE ANALYSIS STATES THAT "TREATMENT OF THE WATER WILL BE NECESSARY PRIOR TO HUMAN CONSUMPTION." IT IS REQUIRED THAT TREATMENT OF THIS WATER SHALL BE ACHIEVED BY A REVERSE OSMOSIS (RO) TYPE SYSTEM. DUE TO EXCESSIVE WATER CONSUMPTION REQUIRED BY AN RO SYSTEM, ALL DESIGN FLOWS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS SHALL ALSO BE ENGINEERED TO ACCOMMODATE RO TREATMENT SYSTEMS.
17. NO FURTHER DIVISIONS OF LAND WITHIN THE SUBDIVISION WILL BE ALLOWED.
18. ALL EXTERIOR LIGHTING SHALL BE THE MINIMUM AMOUNT NECESSARY AND ALL EXTERIOR LIGHTING WILL BE DIRECTED INWARD AND DOWNWARD, TOWARDS THE INTERIOR OF THE SUBDIVISION, EXCEPT THAT PROVISIONS MAY BE MADE TO ALLOW FOR SAFETY LIGHTING THAT GOES BEYOND THE PROPERTY BOUNDARIES.
19. ALL NEW RESIDENTIAL DWELLINGS SHALL INSTALL FIRE SUPPRESSION SPRINKLER SYSTEMS CONSISTENT WITH THE DESIGN REQUIREMENTS OF THE RIFLE FIRE PROTECTION DISTRICT, THE INTERNATIONAL FIRE CODE, AND NFPA STANDARDS. THE DESIGN AND INSPECTION OF SUCH SPRINKLER SYSTEMS SHALL BE APPROVED BY THE RIFLE FIRE PROTECTION DISTRICT. VEGETATION SHOULD BE REMOVED FROM NEAR LAND FIRE. DRIVEWAYS SHOULD BE DESIGNED TO ACCOMMODATE FIRE TRUCKS AND LOADINGS AND ADDRESSES SHOULD BE POSTED PER THE RIFLE FIRE PROTECTION DISTRICT TO THE ACCESS OFF SILT HEIGHTS DRIVE.
20. THE LATEST DATE OF SURVEY PERFORMED BY HIGH COUNTRY ENGINEERING, INC. WAS PERFORMED ON JANUARY 19, 2007.

LAND USE SUMMARY

LOT NO.	AREA (AC±)	ZONE	ADDRESS
1	5.229	A/R/RD	1169 COUNTY ROAD 259
2	6.056	A/R/RD	1171 COUNTY ROAD 259
3	8.285	A/R/RD	1173 COUNTY ROAD 259
4	16.073	A/R/RD	1175 COUNTY ROAD 259

TOTAL LOT AREA 35.643
RIGHT-OF-WAY AREA 0.794
COMMON AREA / OPEN SPACE 0.000
TOTAL AREA 36.437

EXISTING ZONING = A/R/RD - PROPOSED ZONING = A/R/RD
TOTAL DEVELOPMENT AREA = 36.437 ACRES
TOTAL NUMBER OF LOTS PROPOSED = 4
TOTAL NUMBER OF DWELLING UNITS PROPOSED = 4
TOTAL NUMBER OF INDIVIDUAL DWELLING UNITS PROPOSED FOR EACH LOT = 1
TOTAL NUMBER OF ADDITIONAL DWELLING UNITS:
TOTAL NUMBER OF PROPOSED OFF-STREET PARKING SPACES:
4 PER LOT = 16
TOTAL GROSS DENSITY PROPOSED, NUMBER OF DWELLING UNITS AS A RATIO TO THE TOTAL DEVELOPMENT AREA: 0.110 DU/AC

LINE TABLE

LINE	LENGTH	BEARING
L1	50.00	N87°15'53"W
L2	18.00	N87°15'53"W

CURVE TABLE

CURVE	RADIUS	LENGTH TANGENT	CHORD	BEARING	DELTA
C1	66.79	119.59	83.30	104.24	S51°04'22"W
C2	800.00	107.49	53.83	107.41	S81°28'35"E
C3	160.00	35.11	17.63	35.04	S12°32'39"E
C4	400.00	94.65	47.25	94.43	S25°36'37"E
C5	60.00	19.54	9.86	19.45	S83°24'27"W
C6	60.00	58.45	31.38	61.59	S13°47'21"E
C7	60.00	67.14	37.57	36.16	S46°10'22"W
C8	60.00	43.38	22.68	42.44	S66°33'17"E
C9	60.00	188.50	INF INFINITE	120.00	S02°44'07"W

COUNTY SURVEYOR'S CERTIFICATE

I, DANIEL D. LEWIS, AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE SILT HEIGHTS SUBDIVISION AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND THAT IT COMPLIES WITH C.R.S. 38-35-3-209.

APPROVED FOR CONTENT AND FORM ONLY AND NOT THE ACCURACY OF SURVEYS, CALCULATIONS OR DRAFTING. PURSUANT TO C.R.S. 1973, 38-51-101 AND 102 (REVISED).

GARFIELD COUNTY SURVEYOR

DATE _____

SURVEYOR'S CERTIFICATE

I, FRANK W. HARRINGTON, DO HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE SILT HEIGHTS SUBDIVISION AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND THAT IT COMPLIES WITH C.R.S. 38-35-3-209.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 2007.

FRANK W. HARRINGTON, L.S. #19598

ATTORNEY'S CERTIFICATE

I, DANIEL D. LEWIS, AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT ALL DEDICATIONS TO THE PUBLIC, AS DESCRIBED ON THIS FINAL PLAT ARE FREE AND CLEAR OF ANY LIENS, CLAIMS OR ENCUMBRANCES OF RECORD AND FURTHER THAT THIS SUBDIVISION IS IN SUBSTANTIAL COMPLIANCE WITH THE GARFIELD COUNTY SUBDIVISION REGULATIONS OF 1984.

ATTORNEY

DATE _____

LENDOR'S CERTIFICATE

THE UNDERSIGNED, BEING THE BENEVOLENT OF A TRUST UPON THE REAL PROPERTY WHICH IS PLATTED AND SUBDIVIDED AS SHOWN UPON THE WITHIN SUBDIVISION PLAT, HEREBY CERTIFIES THAT IT HAS REVIEWED THE WITHIN FINAL PLAT AND BY THIS CERTIFICATION DOES HEREBY CONSENT TO SAID SUBDIVISION PLAT AND TO THE RECORDING THEREOF, AND TO ALL DEDICATIONS MADE BY AND FOR CONVEYANCE TO THE PUBLIC THAT APPROVAL IN NO WAY OBLIGATES GARFIELD COUNTY FOR THE FINANCING OR CONSTRUCTING OF IMPROVEMENTS ON LANDS, PUBLIC HIGHWAYS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF COUNTY COMMISSIONERS AND FURTHER THAT SAID APPROVAL SHALL IN NO WAY OBLIGATE GARFIELD COUNTY FOR THE CONSTRUCTION, REPAIR OR MAINTENANCE OF PUBLIC HIGHWAYS.

DATED THIS _____ DAY OF _____ A.D. 2007.

BY: _____
NAME: _____
STATE OF _____
COUNTY OF _____
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D. 2007.

BY: _____
AS: _____
MY COMMISSION EXPIRES: _____
WITNESS MY HAND AND SEAL _____

NOTARY PUBLIC

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS PLAT, APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO THIS _____ DAY OF _____ A.D. 2007, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AND FOR CONVEYANCE TO THE COUNTY OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT APPROVAL IN NO WAY OBLIGATES GARFIELD COUNTY FOR THE FINANCING OR CONSTRUCTING OF IMPROVEMENTS ON LANDS, PUBLIC HIGHWAYS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF COUNTY COMMISSIONERS AND FURTHER THAT SAID APPROVAL SHALL IN NO WAY OBLIGATE GARFIELD COUNTY FOR THE CONSTRUCTION, REPAIR OR MAINTENANCE OF PUBLIC HIGHWAYS.

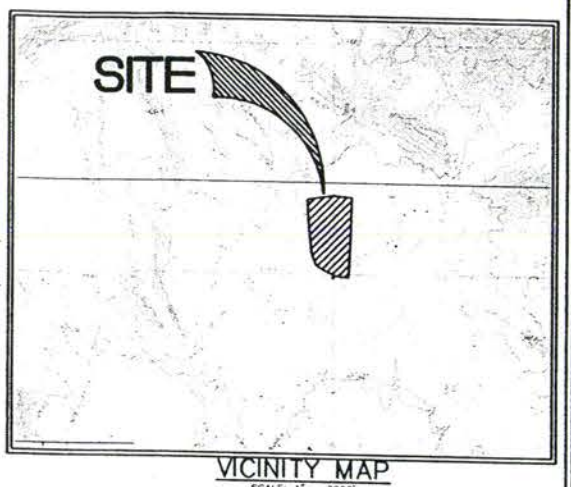
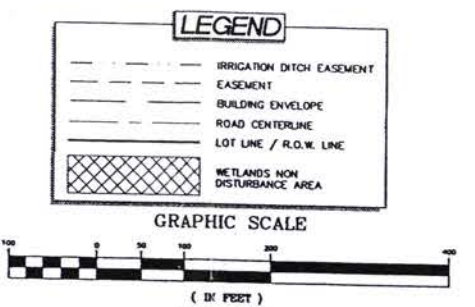
BY: _____
CHAIRMAN
WITNESS MY HAND AND THE SEAL OF THE COUNTY OF GARFIELD, COLORADO.

ATTEST: _____
COUNTY CLERK

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT _____ O'CLOCK _____ M. ON THE _____ DAY OF _____ A.D. 2007, AND IS DULY RECORDED IN BOOK _____ PAGE _____ AS RECEPTION NO. _____

CLERK AND RECORDER



CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-9-22-1987 OR 834-08700 IN METRO DENVER

CALL THE UTILITY COMPANIES TO ADVANCE YOUR PROJECT AND TO OBTAIN NECESSARY PERMITS AND EASEMENTS FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

NO. 1 DATE 8/8/07 REVISION NOTES PER COUNTY: DATE 3-7-07

DRAWN BY: PBD CHECKED BY: FMH DATE 3-7-07

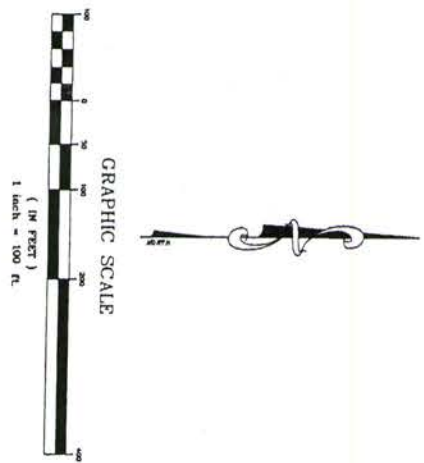
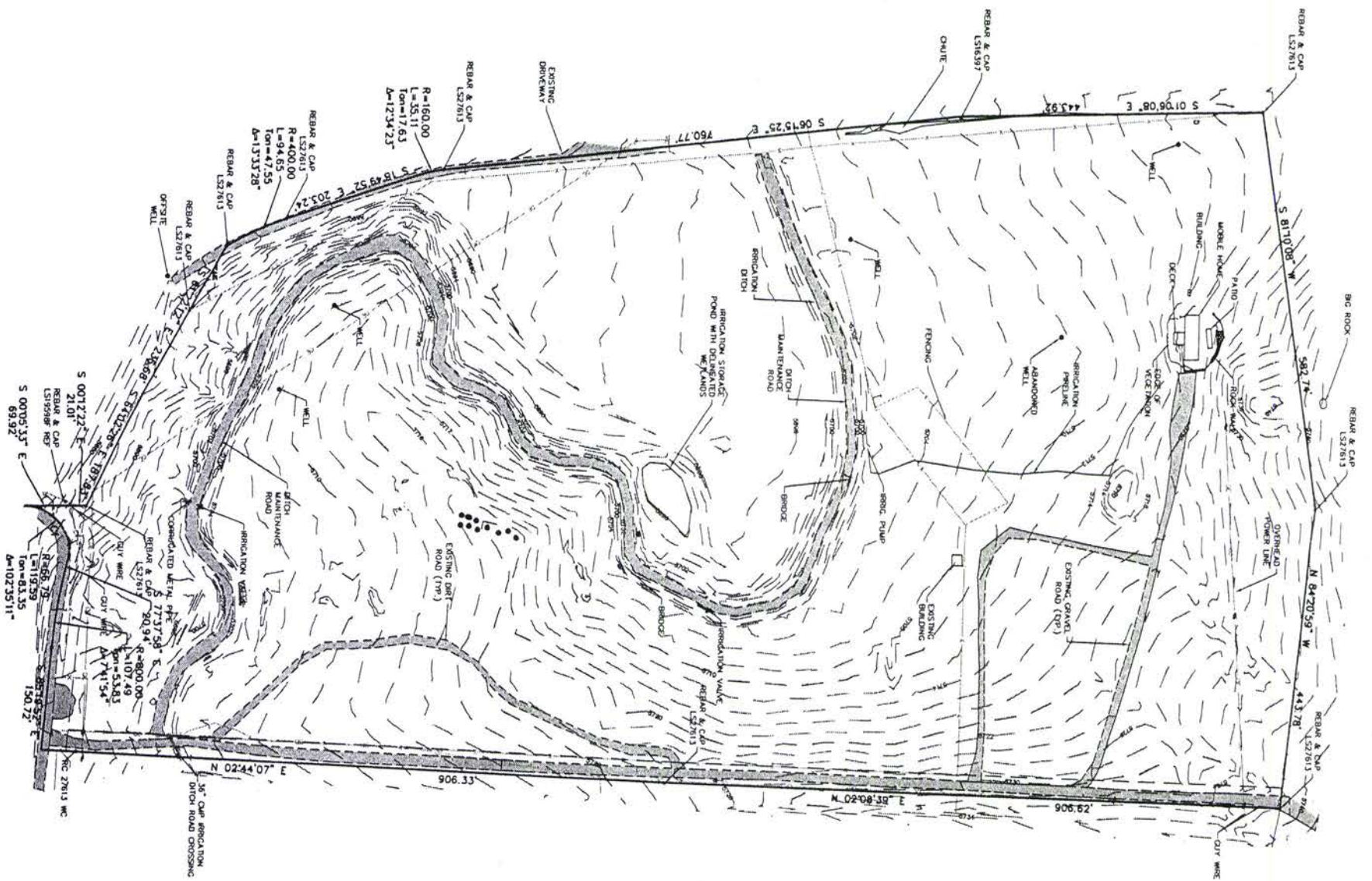
PROJECT NO. 2000023.02

1

HIGH COUNTRY ENGINEERING, INC.

14 INVERNESS DRIVE EAST, SUITE F-120, ENGLEWOOD, CO 80112
PHONE (303) 955-0544 FAX (303) 958-0547
1517 BLAKE STREET, SUITE 101, ENGLEWOOD SPRINGS, CO 81601
PHONE (970) 754-0101 FAX (970) 749-2555
WWW.HCENG.COM

TERRI PATRICK
GARFIELD COUNTY, COLORADO
SILT HEIGHTS SUBDIVISION
FINAL PLAT



LEGEND	
	EXISTING FENCE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING OVERHEAD UTILITIES
	EXISTING GRAVEL ROAD
	EXISTING POWER POLE
	EXISTING WELL

TERRI PATRICK
GARFIELD COUNTY, COLORADO
SILT HEIGHTS SUBDIVISION
EXISTING CONDITIONS
MAP



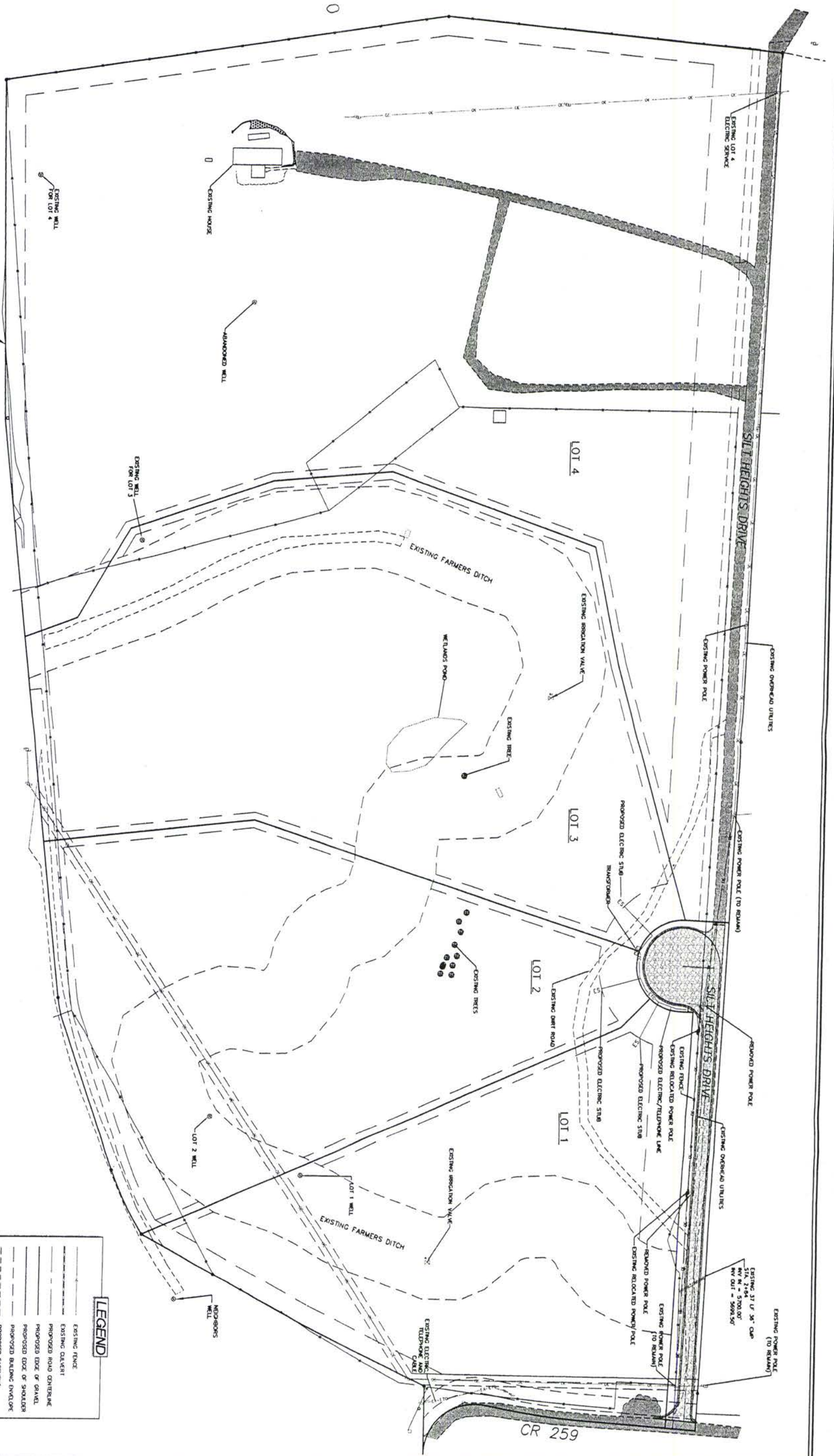
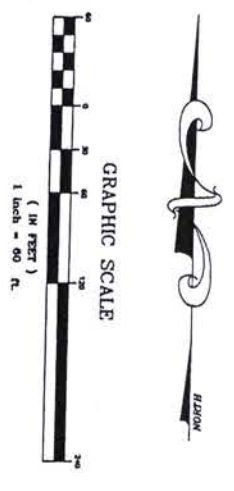
HIGH COUNTRY ENGINEERING, INC.
14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0544 FAX (303) 925-0547
1817 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-6676 FAX (970) 945-2555
WWW.HCENG.COM

DRAWN BY: EPT
CHECKED BY: EPT
DATE: 10-12-05
FILE: EXCONDITIONS

NO.	DATE	REVISION	BY
1	3-1-06	REVISED PER COUNTY STAFF.	DRD
2	1-12-07	REVISED PER TOWN COMMENTS.	DRD
3	6/8/07	REVISED PER RECENT CHANGES.	DRD

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
OR 834-08700 IN METRO DENVER
CALL 2 BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG GRADE OR
EXCAVATE FOR THE MARKING OF
UNDERGROUND MEMBER UTILITIES

PROJECT NO.
2000023.02



- NOTES:**
1. THE LOCATIONS OF UNDERGROUND UTILITIES HAVE BEEN PLOTTED BY FIELD SURVEY. OTHER INFORMATION PROVIDED BY UTILITY COMPANIES AND FIELD SURVEY DATA MAY VARY FROM ACTUAL FIELD CONDITIONS, AND SOME LOCATIONS ARE UNKNOWN. THE CONTRACTOR TO CONTACT ALL UTILITY COMPANIES FOR FIELD LOCATIONS OF UTILITIES PRIOR TO CONSTRUCTION.
 2. ALL CONSTRUCTION TO BE PER GARFIELD COUNTY SPECIFICATIONS.
 3. ALL UTILITIES, BOTH UNDERGROUND OR OVERHEAD, SHALL BE MAINTAINED IN CONFORMANCE WITH THE SPECIFICATIONS OF THE CONSTRUCTION PERIOD, EXCEPT AS NOTED IN THE SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE AND ACCOUNTABLE FOR ANY DAMAGES TO, OR INTERFERENCE OF, SERVICES CAUSED BY THE CONSTRUCTION.
 4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY CONSTRUCTION PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL NOT OPERATE OUTSIDE THE PERMITS AND APPROVALS OBTAINED FROM THE APPROPRIATE AGENCIES.
 5. ANY DAMAGE TO PRIVATE PROPERTY BY THE CONTRACTOR OUTSIDE THESE LIMITS WITHOUT THE PERMISSION OF THE PRIVATE PROPERTY OWNER WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 6. MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL DIRECTIONS.
 7. WELLS TO BE ESTABLISHED WITH ALL NECESSARY TESTING PRIOR TO FINAL PLAT SUBMISSION.
 8. ISSUES SYSTEMS TO BE DESIGNED AND INSTALLED DURING THE BUILDING OF EACH PROPOSED LOT.
 9. UTILITY POLES HAVE BEEN LOCATED AS WAS NECESSARY TO COMPLETE THE IMPROVEMENTS ALONG THE SILT HEIGHTS DRIVE.
 10. THE LOT OWNERS WILL BE RESPONSIBLE FOR THE REVERSE GRADES MADE WITHIN ONE YEAR.

LEGEND	
	EXISTING FENCE
	EXISTING CULVERT
	PROPOSED ROAD CENTERLINE
	PROPOSED EDGE OF GRAVEL
	PROPOSED EDGE OF SHOULDER
	PROPOSED BUILDING ENVELOPE
	PROPOSED EASEMENT
	PROPOSED LOT AND R.O.B. LINE
	EXISTING PAVED ROAD
	PROPOSED GRAVEL ROAD
	EXISTING POWER POLE
	EXISTING WELL
	EXISTING OVERHEAD ELECTRIC
	EXISTING UNDERGROUND ELECTRIC
	EXISTING TELEPHONE CABLE

TERRI PATRICK
GARFIELD COUNTY, COLORADO
**SILT HEIGHTS SUBDIVISION
MASTER UTILITY PLAN**

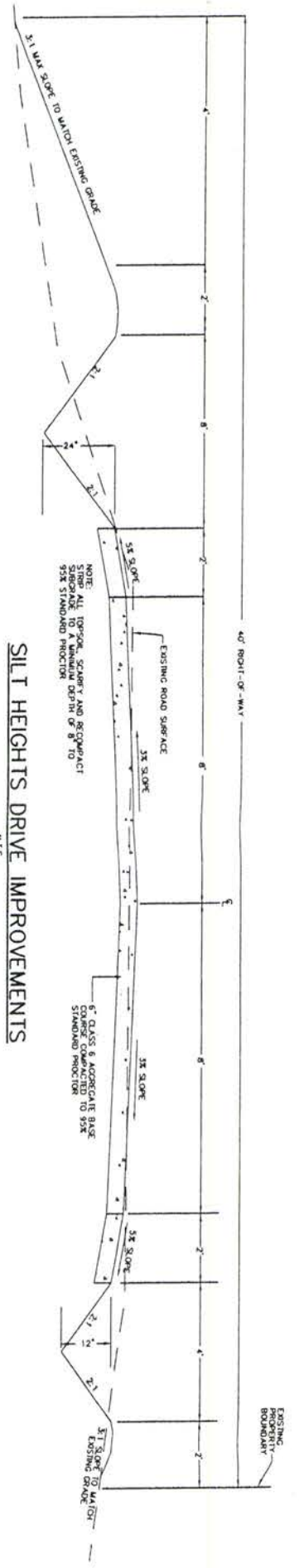


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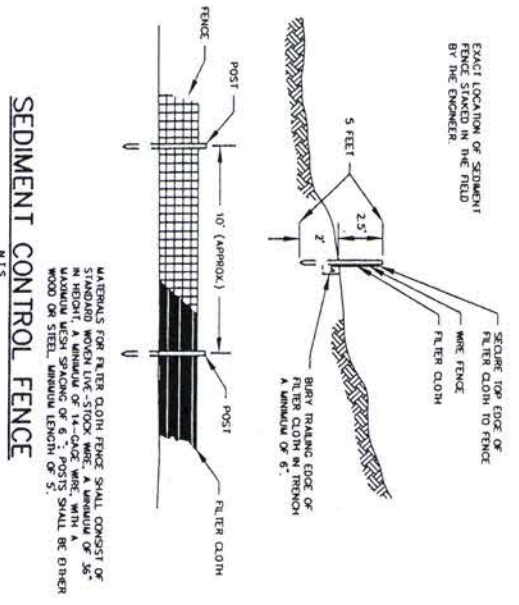
DRAWN BY: DRD
CHECKED BY: RDN
DATE: 9-25-06
FILE: MU1

NO	DATE	REVISION	BY
1	3/25/06	REVISED PER COUNTY COMMENTS.	DRD
2	1/5/07	REVISED FOR FINAL PLAT.	DRD
3	3/9/07	REVISED PER FINAL PLAT COMMENT.	DRD
4	6/8/07	REVISED PER COUNTY COMMENTS.	DRD

CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987 OR 834-06700 IN METRO DENVER
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

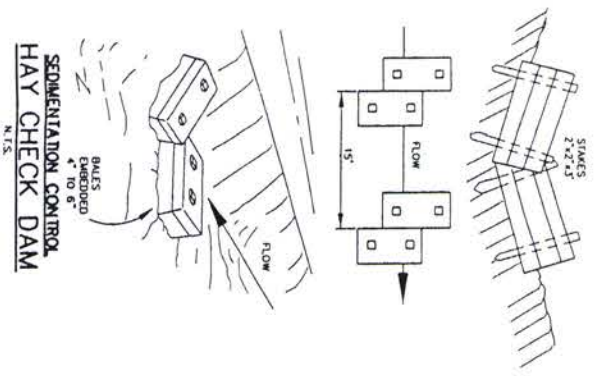


SILT HEIGHTS DRIVE IMPROVEMENTS
N.T.S.

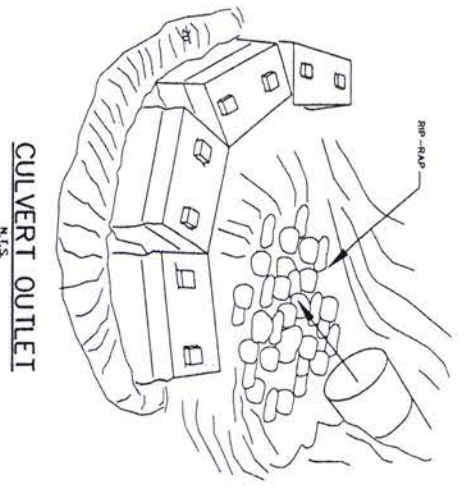


SEDIMENT CONTROL FENCE
N.T.S.

MATERIALS FOR FILTER CLOTH FENCE SHALL CONSIST OF STANDARD WOVEN LIME STOCK WIRE, A MINIMUM OF 36\"/>



SEDIMENTATION CONTROL HAY CHECK DAM
N.T.S.



CULVERT OUTLET
N.T.S.

NO.	DATE	REVISION	BY
1	3/25/06	REVISED PER COUNTY STAFF.	DRD
2	1/5/07	REVISED FOR FINAL PLAT.	DRD
3	3/9/07	REVISED PER FINAL PLAT COMMENT	DRD
4	6/8/07	REVISED PER COUNT COMMENTS.	DRD

DRAWN BY: DRD
 CHECKED BY:
 DATE: 9-15-05
 FILE: DET-01

HIGH COUNTRY ENGINEERING, INC.
 14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
 PHONE (303) 925-0544 FAX (303) 925-0547
 1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
 PHONE (970) 945-8876 FAX (970) 945-2555
 WWW.HCENG.COM



TERRI PATRICK
 GARFIELD COUNTY, COLORADO
SILT HEIGHTS SUBDIVISION
 DETAIL SHEET

PROJECT NO.
 2000023.02

WHEREAS, the Board of County Commissioners on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determination of facts:

1. That proper publication, public notice, and posting was provided as required by law for the hearings before the Planning and Zoning Commission and before the Board of County Commissioners.
2. That the public hearings before the Planning and Zoning Commission and the Board of County Commissioners were extensive and complete; all pertinent facts, matters and issues were submitted; and that all interested parties were heard at those hearings.
3. The application is in compliance with the standards set forth in Section 4:00 of the Garfield County Subdivision Regulations of 1984, as amended.
4. That the proposed subdivision of land is in compliance with the recommendations set forth in the Comprehensive Plan for the unincorporated areas of the County.
5. The proposed subdivision of land conforms to the Garfield County Zoning Resolution of 1978, as amended.
6. The proposed use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that based on determination of facts set forth above, the Preliminary Plan request is approved with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners and Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. The Applicant shall include the following plat notes on the final plat:
 - a) *One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries.*
 - b) *No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.*

- c) *All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.*
- d) *No further divisions of land within the Subdivision will be allowed.*
- e) *Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.*
- f) *All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.*
- g) *Based on the analysis of the sub-soils on the property, Individual Sewage Treatment System and foundation designs are required to be conducted by a registered professional engineer licensed to practice within the State of Colorado. These studies and plans shall be submitted with individual building permit application for each lot. The cost of these studies shall be borne by the individual property owner.*
- h) *All streets are dedicated to the public but all streets will be constructed to standards consistent with Section 9:35 of the Subdivision regulation of 1984, as amended and repair and maintenance shall be the responsibility of the Homeowners Association of the subdivision.*
- i) *The mineral rights associated with this property (also known as Parcels 1, 2, 3, and 4 of the Silt Heights Subdivision) have been partially severed and are not fully intact or transferred with the surface estate therefore allowing the*

potential for natural resource extraction on the property by the mineral estate owner(s) or lessee(s).

- j) *The water quality analysis as contained in the Water Supply Plan prepared by Zancanella & Associates on September 1, 2005 states that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that "treatment of the water will be necessary prior to human consumption." It is required that treatment of this water shall be achieved by a Reverse Osmosis (RO) type system. Due to excessive water consumption required by an RO system, all design flows for Individual Sewage Disposal Systems shall also be engineered to accommodate RO treatment systems.*
3. The Applicant shall prepare an "Individual Sewage Disposal System Operation and Maintenance Plan" to be submitted to the Planning Department Staff for review prior to the public hearing before the Board of County Commissioners. This plan shall be incorporated into the covenants as part of the final plat application review.
 4. The protective covenants shall assign responsibility for weed management along roadsides and in common areas to the Homeowners Association. The covenants shall describe how weed management shall occur on individual lots and be managed by each individual lot owner.
 5. The Applicant shall provide a map or information (prior to final plat) that quantifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances. This information will help determine the amount of security that will be held for revegetation.
 6. The Applicant shall provide the revegetation security in the form of a separate letter of credit (amount determined by the County Vegetation Director) to Garfield County until vegetation has been successfully reestablished according to the County's adopted Reclamation Standards. The release of the security shall not occur until a formal opinion has been rendered by the County Vegetation Director as to the level of successful revegetation. This requirement shall be incorporated within the Subdivision Improvements Agreement (SIA).
 7. The Applicant shall provide a "Soil Management Plan" to the County Vegetation Director for approval as part of the final plat submittal. This plan shall include 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.

- c) When constructing access roadways into the parcels, consideration should be given to the weights of fire apparatus and accessibility during adverse weather conditions;
- d) The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway if used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors,

13. Should crossings of the Farmers Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.

14. The applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This shall include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the Manual on Uniform Traffic Control Devices.

Dated this _____ day of _____, A.D. 2006.

ATTEST:

GARFIELD COUNTY
BOARD OF
COMMISSIONERS,
GARFIELD COUNTY,
COLORADO

Clerk of the Board

Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

John Martin _____, Aye
Larry McCown _____, Aye
Trési Houpt _____, Aye

STATE OF COLORADO)
)ss
 County of Garfield)

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 2006

County Clerk and ex-officio Clerk of the Board of County Commissioners



Colorado Department
of Public Health
and Environment

Laboratory Services Division
8100 Lowry Boulevard, Denver CO 80230-6928
US Mail: PO Box 17123, Denver CO 80217
(303) 692-3090 fax (303) 344-9989

Lab ID No. MSA-2006002156

SAMPLE SITE

Terry Patrick
S. Well

SAMPLE INFORMATION

Collected 10/20/2006 2:02:00P
Received 10/19/2006 1:45:55PM
Reported 10/23/2006
Collected By Matrix Drinking Water

CUSTOMER

J and M Pump Inc
8611 117 Road
Glenwood Springs, CO 81601
Contact Name
Contact Phone

COMMENTS

Purpose Routine Chlorine residual Payment Type Billed

Test Name	Result	Method Name
Escherichia coli PA	E. coli not detected	
Total coliforms PA	Coliform absent or less than one (<1), indicates a microbiologically safe sample	SM 9223



Colorado Department
of Public Health
and Environment

Laboratory Services Division
8100 Lowry Boulevard, Denver CO 80230-6928
US Mail: PO Box 17123, Denver CO 80217
(303) 692-3090 fax (303) 344-9989

Lab ID No. MSA-2006002157

SAMPLE SITE		SAMPLE INFORMATION	
Terry Patrick		Collected 10/19/2006 1:30:00P	
N. Well		Received 10/20/2006 2:01:55PM	
		Reported 10/23/2006	
		Collected By	Matrix Drinking Water
CUSTOMER		COMMENTS	
J and M Pump Inc		<input type="text"/>	
8611 117 Road			
Glenwood Springs, CO 81601		<input type="text"/>	
Contact Name		Purpose Routine	Chlorine residual
Contact Phone			Payment Type Billed

Test Name	Result	Method Name
Escherichia coli PA	E. coli not detected	
Total coliforms PA	Coliform absent or less than one (<1), indicates a microbiologically safe sample	SM 9223

PROTECTIVE COVENANTS

**GRANT OF EASEMENTS AND
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR SILT HEIGHTS SUBDIVISION
AND ESTABLISHMENT OF
SILT HEIGHTS SUBDIVISION HOMEOWNER'S ASSOCIATION
AN UNINCORPORATED NONPROFIT ASSOCIATION**

This Grant of Easements and Declaration of Covenants, Conditions and Restrictions for Silt Heights Subdivision and Establishment of Silt Heights Subdivision Homeowner's Association, an Unincorporated Nonprofit Association (hereafter the "Declaration") is made this _____ day of _____, 20__, by Terri Patrick (hereafter referred to as the "Declarant").

RECITALS

WHEREAS, Declarant is the owner of that certain real property known as Lots 1-4 inclusive, Silt Heights Subdivision, as described on a plat thereof recorded as reception number _____ in the office of the Garfield County Clerk and Recorder, together with all water and water rights, ditches and ditch rights, wells and well rights, well permits, easements and rights-of-way appurtenant to or used upon or in connection with said above described Lots, and all other appurtenances thereto, and certain other common facilities; and

WHEREAS, Declarant hereby creates an unincorporated nonprofit association pursuant to the Colorado Uniform Unincorporated Non Profit Association Act, Colorado Revised Statutes 7-30-101 et seq., known as the Silt Heights Subdivision Homeowner's Association (hereafter the "Association") for purposes of owning, maintaining and administering the common facilities as hereafter described and defined, the Members of which Association shall be the owners of the aforesaid individual Lots and which Association shall also administer and enforce the covenants, conditions and restrictions herein set forth and collect and disburse the assessments and charges hereinafter provided; and

WHEREAS, Declarant desires to dedicate, grant and create certain easements to the Association for purposes of serving the Lots with appurtenant access and utilities necessary to the use of the Lots for their intended purpose; and

WHEREAS, Declarant desires to provide a flexible and reasonable procedure for the overall operation of the Lots and Common Facilities as hereafter defined, and to establish a method for the administration, maintenance, preservation, control, use, and enjoyment of the Lots and Common Facilities as hereafter defined, as well as provide for the enforcement of the restrictions, covenants and conditions hereinafter set forth.

GRANT OF EASEMENTS
AND
DECLARATION

NOW THEREFORE, Declarant hereby declares that all of the Lots described above, individual or collective, shall be held, transferred, sold, conveyed and occupied benefitted by and subject to the easements and properties which are hereby dedicated, granted and transferred to the Association and subject to the following covenants, conditions and restrictions which are established for the purpose of protecting the value and desirability of such real property and which shall run with title to the Lots and be binding on all owners or other parties having any right, title or interest therein.

ARTICLE I
DEFINITIONS

1. Annual Budget. "Annual Budget" shall mean the calendar year estimates of the Association expenses and expenditures upon which the Annual Assessment shall be based, which budget shall be prepared by the Association Manager and adopted by Owner Action at the Annual Meeting.

2. Annual Meeting. "Annual Meeting" shall mean the meeting of all Members of the Association to occur once a year for the primary purposes of approving the Annual Budget and selecting the Association Manager, but at which meeting any other business matters of the Association may be raised and addressed.

3. Annual and Special Assessments. "Assessments" shall mean all assessments, Annual and Special, for Common Expenses of the Association, and all installments thereof, with interest thereon and costs of collections, including reasonable attorney's fees, all as more particularly defined and provided in Article VI below.

4. Association. "Association" means the Silt Heights Subdivision Homeowner's Association, a Colorado unincorporated nonprofit association whose Members shall be the respective Owners of the Lots.

5. Common Expenses. "Common Expenses" shall mean the expenses incurred by the Association under the provisions of this Declaration and which are payable by the Lot Owners upon Annual and Special Assessment.

6. Association Manager. "Association Manager" shall mean a person who shall be a Lot Owner and Member of the Association, and who shall be responsible for preparing the Annual Budget, collecting Annual and Special Assessments and other revenues, disbursing funds for Common Expenses, calling special meetings and otherwise managing the administrative affairs of the Association. The Association Manager shall be the Declarant at all times during which Declarant shall continue to own any of the Lots.

7. Common Facilities. "Common Facilities" shall mean all real property or interests in real property, improvements thereto, and personal property now or hereafter owned by the Association through dedication, grant, conveyance, or assignment by the Declarant to the Association or acquired by the Association through Owners Action for the common use and enjoyment of Lot Owners, and more particularly described in Article IV below. There are expressly excluded from the Common Facilities, any domestic water service lines, irrigation ditch laterals or pipelines and utility services designed to serve, benefit and be appurtenant to a single Lot. Any such excluded facilities, property and structures shall be controlled, operated and maintained by the Owners of the Lot served thereby as appurtenant thereto at such Owner's expense.

8. Declaration. "Declaration" shall mean the covenants, conditions, restrictions, grants and dedications of easements and all other terms or provisions set forth in this document as the same is recorded in the records of Garfield County, Colorado, and as the same may be amended from time to time in accordance with the provisions hereof, with such amendments being likewise recorded.

9. Lot/Lots. "Lot" or "Lots" shall mean each of Lots 1-4 according to the Plat.

10. Lot Owner or Owner. "Lot Owner" or "Owner" means the person, persons, entity or entities who or which together shall comprise the record owner of fee simple title to a Lot.

11. Member. "Member" shall mean a person or entity which, by virtue of their status as a Lot Owner, is deemed to enjoy the membership privileges and responsibilities in the Association.

12. Owners Action. "Owners Action" shall mean a written statement of action to be taken by the Association which statement shall be executed by no less than the Owners of three (3) Lots or their respective authorized representatives.

13. Rules and Regulations. "Rules and Regulations" shall mean the rules, regulations, guidelines, policies, authorizations and standards as may be adopted and approved by Owners Action as provided in this Declaration governing the use of the Lots and the use, operation, maintenance, and administration of the Common Facilities.

ARTICLE II

PROPERTY RIGHTS AND USE OF PROPERTY

1. Lots. All Lots shall be used only for the construction, use and occupancy of and as single-family dwellings and customary accessory uses, including, without limitation, an accessory dwelling unit, if permitted by applicable zoning.

2. Common Facilities. Subject to the limitations set forth in this Declaration and any Rules and Regulations adopted by the Association pursuant to the provisions of this Declaration, each and every Lot Owner, shall have the right to the use, enjoyment and benefit of the Common Facilities.

3. Appurtenance of Interests. Any legal or beneficial interests in the Common Facilities which inure to a Lot Owner by virtue of such ownership are appurtenant to the Lot owned, with or without specific reference to such appurtenance in any deed which may convey the Lot. For purposes of general ad valorem property assessment and taxation, said interest in such Common Facilities shall be considered a part of the Lot and taxes upon the Common Facilities shall be assessed against each Lot and paid in equal proportions by the Owner of each Lot.

4. Governance of Lots and Common Facilities. Subject to rights, interests and authority expressly reserved to the Declarant herein, all of the authority regarding the operation, maintenance, repair, administration and control of the Common Facilities shall be vested in the Association and the Lot Owners through their right to participate by Owner Action in governance of all Common Facilities as said rights are more fully described in this Declaration.

5. Waiver of Right to Partition. Each Lot Owner irrevocably waives his right to partition of the Common Facilities.

6. Enforcement. The Association, by Owners Action, or the Declarant or any Lot Owner, shall have the right to enforce the covenants, conditions and restrictions contained in this Declaration by any legal or equitable means necessary and available including actions for damages and injunctive relief. In the event of any such action, the Association, Declarant or Lot Owner or Owners, if they prevail in said action, shall be entitled to receive reasonable attorney's fees and costs from the Lot Owner or Owners found to be in violation of this Declaration.

ARTICLE III

MEMBERSHIP, VOTING RIGHTS AND OWNERS ACTION

1. The owner of record of fee simple title to each Lot shall be a Member of the Association. For purposes of this Declaration, if a Lot is owned by more than one person, all of the persons owning an interest in fee simple title to the Lot shall, in the aggregate, be the Lot Owner thereof and such multiple persons comprising the Lot Owner shall, among themselves, designate one of their number to participate in, and represent the others, in any Association affairs or Owners Action as herein described. For purposes of participation in Owner Actions and any other voting matters in the Association, a Member owning more than one Lot shall be entitled to one vote for each Lot owned.

2. Except as otherwise herein provided with respect to rights and interests reserved to the Declarant, the ownership, operation, management, maintenance and repairs of the Common Facilities and all Association actions taken with respect thereto, shall be undertaken and performed pursuant to Owners Action. The Association shall have the exclusive power and authority to manage any affairs regarding the Common Facilities, and such power and authority shall include, without limitation whatsoever, the following authority:

- a. To own, purchase, lease, install, operate, maintain, repair and replace all or

any part of the Common Facilities;

b. To adopt such Rules and Regulations as are necessary and appropriate for governing the use and benefits of the Common Facilities;

c. To establish and oversee the Annual Budget, for purposes of paying anticipated and contingent expenses related to the Common Facilities;

d. To make, determine and collect Annual and Special Assessments for the purpose of paying all Common Expenses. Said Annual Assessments to be determined in accordance with the establishment of the Annual Budgets and as the same are necessary as Special Assessments for extraordinary or unforeseen expenses related to said Common Facilities and which were not included in or provided for under the Annual Budget or which under the provisions hereof are expenses assessed against less than all Lots. All Annual and Special Assessments shall be made on a ratable basis among the Lot Owners, with a fractional share of the total assessment to be paid by the Owner of each Lot, except as otherwise provided herein;

e. Subject to the provisions of Article I, paragraph 6, to elect at the Annual Meeting by Owners Action, an Association Manager to act, during the upcoming year, on behalf of the Association and in such capacity to exercise all powers of the Association set forth in said Article I, paragraph 6 as well as any others delegated to him by such Owners Action;

f. To enforce, by Owners Action, the provisions of this Declaration and any Rules and Regulations adopted by the Association as provided herein, either through Owners Action or by delegation of such enforcement authority to the Association Manager.

g. To establish a date certain for the Annual Meeting for the ensuing year and to establish Special Meetings as appropriate and necessary. Written notice of the date, time and place of all Annual and Special Meetings, shall be given to each Member by mailing such notice to each Member at least 20 days prior to the date of such Annual or Special Meeting at the address of each respective Member as the same shall be maintained in the records of the Association.

h. To receive and use for the joint and common benefit of all Lot Owners any revenues received by the Association from whatever sources and determination of the specific uses of such funds.

i. To take any other action necessary or appropriate to carry out the purposes herein expressed and to properly maintain the Common Facilities for the use and benefit of the Lot Owners.

ARTICLE IV
COMMON FACILITIES

The Association shall maintain and keep in good repair the Common Facilities (and any personal property and improvements associated therewith). Such Maintenance of any Common Facilities shall be funded through the Annual and Special Assessments as provided herein, and revenues received from any other sources, and shall include, but not be limited to, maintenance, repair, and replacement of Common Facilities all to the end that the safety, appearance and quality of the Common Facilities shall permanently endure.

ARTICLE V
INSURANCE AND CASUALTY LOSSES

1. Insurance. If deemed necessary, the Association Manager shall have the authority to obtain insurance for all insurable components of the Common Facilities against loss or damage by fire or other hazards, including extended coverage, vandalism, and malicious mischief. This insurance shall be in an amount sufficient to cover the full replacement cost of any repair or reconstruction in the event of damage or destruction from any such hazard. The Association Manager may also obtain an adequate public liability policy insuring the Association, the Association Manager and its individual Members for all damage or injury caused by the negligence of the Association or any of its Members, the Association Manager or other agents of the Association.

2. Repair and Reconstruction. If the damage or destruction for which the insurance proceeds are paid is to be repaired or reconstructed and such proceeds are not sufficient to defray the cost thereof, the Association Manager may, without the necessity of any Owners Action, levy a Special Assessment to cover the amount of deficiency. If the funds available from insurance exceed the cost of repair, such excess shall be retained to the benefit of the Association.

ARTICLE VI
ASSESSMENTS

1. Annual and Special Assessments. All Annual and Special Assessments, together with interest at the legal or statutory rate, costs, and reasonable attorneys' fees, if any, shall be a charge on the land and shall be a continuing lien upon the Lot against which each Annual or Special Assessment and the aforesaid related costs and expenses, is made.

Each such Annual or Special Assessment, together with interest, costs and reasonable attorneys' fees, if any, shall also be the personal obligation of the person who was the Owner of a particular Lot at the time the Assessment was made.

All such Annual and Special Assessments shall be due and payable within thirty (30) days following the date upon which the Association Manager shall have mailed notice of such Annual or Special Assessment to the Lot Owner obligated to pay the assessment at the address of

said Lot Owner as maintained in the Association records.

2. Liens and Foreclosure of Liens. All Annual and Special Assessments shall constitute a lien on each Lot, respectively, prior and superior to all other liens, except (i) all ad valorem taxes, bonds, assessments, and other levies which, by law, would be superior thereto, and (ii) the lien or charge of any first mortgage of record (meaning any recorded mortgage or deed of trust with first priority over other mortgages or deeds of trust) made in good faith and for value. Suit to recover a money judgment for unpaid Assessments, interest and attorneys' fees shall be maintainable without foreclosing or waiving the lien securing the same. Any lien created pursuant to the provisions of this Article VI may be foreclosed under the laws of the State of Colorado in the same manner as a mortgage.

3. Computation of Annual Budget and Annual Assessment. It shall be the duty of the Association Manager at least thirty (30) days prior to the Annual Meeting at which the budget shall be presented to the Association's membership, to prepare a budget covering the estimated costs, and appropriate reserve fund amounts for operating the Association during the coming year. The Association Manager shall cause a copy of the budget, and the estimated amount of the Annual Assessments deriving therefrom and to be levied ratably as herein provided against each Lot for the following year to be delivered to each Lot Owner with notice of the meeting. Such budgeting process shall take into account any revenues received or anticipated by the Association from sources other than Assessments.

ARTICLE VII

ADDITIONAL RESTRICTIONS ON USE AND BUILDING

In addition to any other restrictions contained herein, all Lots shall be subject to the following covenants and restrictions on use and building restrictions, to wit:

1. Nuisances. No Lot Owner shall permit or suffer anything to be done or kept about or within his Lot, which will obstruct or interfere with the rights of other Lot Owners or their property, including generation of unreasonable noises or otherwise, nor will any Lot Owner commit or permit any nuisance or commit to suffer any illegal act to be committed on his Lot. Each Lot Owner shall comply with the Association Rules and Regulations, the requirements of all health authorities and other governmental authorities having jurisdiction over the Lots and Common Facilities.

2. Irrigation System. All Lots must be served by a functional irrigation system that is approved by the Association Manager. The irrigation system must be maintained in operating order so as to be operable whenever needed to the end that all grass and other landscaping shall be appropriately maintained. All irrigation systems shall be operated using the irrigation water as provided in Article VIII hereof and shall be subject to the conditions therein set forth.

3. Underground Utility Services. All service lines for utilities extending from the utility

main lines to the individual Lots, shall be installed and maintained underground.

4. Solid-fuel Fireplaces. No open hearth solid-fuel fireplaces will be allowed in any new dwelling anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

5. Exterior Lighting. All exterior lightning will be the minimum amount necessary and all exterior lighting will be directed inward and downward towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

6. Restrictions/Conditions Imposed By County. The use of all Lots shall be in strict accordance with the conditions of approval and Plat restrictions contained in the County Resolution approving the Silt Heights Subdivision. All Lot Owners shall use and occupy their respective Lots in conformity to all governmental regulations applicable thereto.

7. Sewer Disposal Systems. All sewage shall be disposed of by means of an engineered individual sewage disposal system designed by a registered professional engineer licensed to practice within the State of Colorado. The designs shall be submitted with the individual building permit application for each Lot. The cost of the design shall be borne by the individual Lot Owner. All design flows for individual sewage disposal systems shall be engineered to accommodate Reverse Osmosis treatment systems. Each Lot Owner shall be responsible for the construction, operation and management of their individual sewage disposal system. The owner of each Lot shall perform on the individual sewage disposal system serving the Lot such routine maintenance and repair as is sufficient to allow the system to perform in good working order, including, but not limited to, pumping the tank as needed. The standards of performance for the septic system cleaner are, at a minimum:

- a. The Systems Cleaner shall be licensed.
- b. The Systems Cleaner, when cleaning a septic tank, shall remove the liquid, sludge, and scum, leaving no more than three (3) inches depth of sewage in a septic tank.
- c. The Systems Cleaner shall maintain his equipment so as to ensure that no spillage of sewage will occur during transportation, and that its employees are not subject to undue health hazards.
- d. The Systems Cleaner shall dispose of the collected sewage only at a designated site recognized by the Board of Health.

Your septic system is designed to handle human waste, toilet paper and water from plumbing fixtures such as toilets, baths, and sinks. Household cleaners, detergents and bleach will not damage your system if used in moderation. However, biodegradable and environmentally

friendly soaps, detergents and other products are recommended. If your septic field is inundated with harsh chemicals or overloaded with detergents and soaps, your septic system function may be impaired or field failure may occur. Never pour oil, cooking grease, paint, or insecticides into your plumbing system. These items can inhibit the bacteria which are so critical to the proper functioning of your system and/or plug the pores of your system. Non-degradable paper products, such as diapers, sanitary napkins or tampons, and paper towels are harmful to your system. Also refrain from introducing any other non-biodegradable substances such as condoms, plastic baggies, plastic film-wrap, or cigarette butts. These items can cause serious clogging problems. A garbage disposal can be used if your septic system was designed around it; however, you should have your tank pumped more frequently if large particles are present within the effluent. Your system is also designed to handle a certain volume of water. If you consistently overload your septic system, you will cause premature failure. A frequent source of overload is leaking plumbing fixtures and water treatment systems. This can amount to hundreds of extra gallons of water going into your septic system each month. Leaks should be repaired immediately. Other home recommendations for reducing wastewater flow are; installing water-saving devices in your shower heads and faucets and lowering the amount of water hitting the system from the laundry by spreading your weekly washing over several days rather than doing it all within a short time period.

The bacteria that thrive in a septic tank are called "anaerobic bacteria" because they do not require oxygen. These bacteria are essential to the proper functioning of a septic system as they degrade and decompose the solids. When too much solid material accumulates in the tank over a period of years, it begins to wash out of the tank and into the drain-field with the normal liquid effluent. The solids clog the drain-field absorption rates into the natural soils are reduced. As more solids flow from the tank, the drain-field will eventually not be able to absorb the liquid effluent, and the drain-field will fail. This is the most common cause of drain-field failure. Your drain field should have monitoring wells located at the far end of the field. These wells can help detect or prevent a field failure prior to its occurrence. A professional field maintenance company should be scheduled for regular maintenance and well monitoring. It is suggested that you have your septic tank pumped every 2 years on a regular maintenance schedule.

The drain-field is ideally located in a sunny open area for maximum evaporation. Trees and shrubs should not be planted near the drain-field as root intrusion may impair the drain-field. Any plants that do not have deep roots can be planted over a drain-field. Grasses and ground cover provide the highest level of evapo-transpiration (the cycle of plants taking moisture from the soil by their root systems and giving it off to the atmosphere using the sun's energy) without the complication of root systems clogging drainpipes and gravel beds. Mulched areas of flower beds do hold moisture and decrease drain-field efficiency. Walkways, patios, parking areas, decks or other permanent structures should not be constructed over either the septic tank or the drain-field. Vehicle traffic should be kept off of the drain-field and heavy trucks/equipment should be kept a minimum of 10 horizontal feet away from the drain-field area. Heavy vehicles can cause the drain-field to collapse. Rainwater or other drainage water should be diverted from the drain-field area. The drain-field is designed to meet the capacity of waste water coming from the house. Additional water from poor drainage may cause premature field failure.

The owner and the party in possession of real property upon which an individual sewage disposal system is used, shall be jointly and severally responsible for operation and maintenance of the system.

For treatment plants utilizing mechanical apparatus or under a service policy, a clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at a conspicuous location.

When directed by the local health department, for the purpose of obtaining compliance with rules and regulations, the owner or user of a system shall provide for maintenance and cleaning of an individual sewage disposal system and shall notify the local health department upon completion of any maintenance work and report to said department and submit such evidence of compliance with any maintenance and cleaning schedule in the form and as the department requires. The local board of health may adopt rules and regulations for the scheduling of maintenance and cleaning of systems and practices adequate to insure proper functioning of acceptable systems, and may require proof of proper maintenance and cleaning, pursuant to any such schedules and practices, to be submitted periodically to the local department of health by the owner of the system.

Reasonable periodic collection and testing by the local health department of effluent samples from individual sewage disposal systems for which monitoring of effluent is necessary in order to insure compliance with the provisions of rules and regulations may be performed not more than two times a year, except when required by the health officer in conjunction with an enforcement action. Any owner or occupant of property on which an individual sewage disposal system is located may request the local health department to collect and test an effluent sample from the system. The local health department may perform such collection and testing services. If the local health department collects and tests effluent samples, a fee not to exceed that which is allowed by 25-10-101 et. seq. (as amended) C.R.S. 1973, may be charged for each sample collected and tested. Payment of such charge may be stated in the permit as a condition for its continued use.

Disposal of waste materials removed from a system in the process of maintenance or cleaning shall be accomplished at a site approved by local county officials in a manner which does not create a hazard to the public health, a nuisance or an undue risk of pollution and which complies with state and local rules and regulations. (See Sludge Regulations and Solid Waste Regulations.)

No Discharge is Permitted Which Does not Comply With Rules and Regulations. No sewage or effluent shall be permitted to be discharged into or upon the surface of the ground or into state waters unless the sewage system and effluent meets the minimum requirements of applicable rules and regulations.

The contents of a septic tank, vault, or seepage pit, the use of which has been terminated, shall be properly disposed of whereupon the emptied tank, vault, or pit shall be filled with soil or rock, or the health officer may require the tank or vault to be removed and disposed of

properly.

8. Noxious Weed Control on Roadways and Common Areas. The Homeowner's Association shall have responsibility for weed management along roadsides and in common areas. The Association shall implement and follow a program of noxious weed control which shall comply with all applicable requirements of the Garfield County Office of Vegetation Management. In general, the weed management plan should consist of the following components.

- a. Prevention and Control. The quick revegetation of disturbed areas with weed free grass seed and the maintenance of native or introduced vegetation in a healthy, vigorous condition producing optimum vegetative densities will leave noxious seeds little opportunity to establish. The use of hay that is certified is also recommended.
- b. Inventory. Each Lot should be inspected to identify any infestations of noxious weeds. An accurate record should be kept of the application and success of weed eradication efforts.
- c. Eradication. Elimination of noxious weeds can be achieved through: Mechanical Controls (physically remove the entire weed plant or eliminate the plant's ability to produce seed); Biological Controls (rely on organisms (insect or plant pathogens) to interfere with weed growth); Chemical Controls (use herbicides to eliminate weeds. Special care must be used with herbicides to avoid damage to desirable plant species and to avoid contamination of ground water).

An effective weed management program may involve all three methods of eradication as well as a long term commitment to prevention and control. Assistance in the development and implementation of a weed management program is available through the Colorado State University Cooperative Extension Service and from the Garfield County Office of Vegetation Management.

9. Noxious Weed Control on Individual Lots. Control of noxious weeds on individual Lots, in accordance with the Colorado State Noxious Weed Act and the Garfield County Weed Management Plan, shall be the responsibility of the respective Lot Owners. Each Owner shall implement a weed management program within the area of his or her Lot. In the event a Lot Owner fails to effectively control noxious weeds on his or her Lot, the Association shall have the right to enter upon any Lot and conduct a weed control program with the area of such Lot.

10. Dogs. One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries. At no time should dogs be allowed to run freely outside of dog owner's lot. When outside the residence on an Owner's Lot, dogs should be controlled by:

1. Confinement in an area bound by an aboveground fence;
2. Confinement in a kennel;

3. Confinement in an area bounded by an invisible electric fence attached to a dwelling unit;
4. A leash; or
5. Attachment by a tether to a fixed, immovable object. The tether length should not allow the dog to trespass on another owner's lot.

Dogs shall not chase or molest wildlife or any domestic animals or persons, or destroy or disturb property of another. Dogs shall not be allowed to bark continuously, which shall be defined as barking for a 15 minute period, including successive barks or a series of barks which repeat or resume following a brief or temporary cessation. All dogs should be licensed as required by law. No dog shall threaten public safety. No dog or other animal shall be kept which, in the sole discretion and judgment of the Association, is an annoyance to Lot Owners within the subdivision. Lot Owners not in compliance with dog regulations should be responsible for any and all costs associated with enforcement of the above provisions.

11. Fencing. Fencing on individual lots shall be restricted to reduce wildlife mortality and to reduce the potential for separation of doe deer and their offspring. The maximum fence height shall be 42 inches. If a rail fence or 3-strand wire fence is constructed, there should be a 12 inch separation between the top 2 rails/wire. Chain link fencing up to 6 feet high shall be allowed for the sole purpose of kenneling a dog.

12. Additional Wildlife-Related Restrictions. Lot Owners shall maintain their Lots in a manner that will not attract denning skunks and raccoons. Lot Owners shall store garbage and trash in secure receptacles to reduce problems with skunks and racoons. No refuse, garbage, trash, grass, shrub, or tree clippings, plant waste, scrap, rubbish, or debris of any kind should be kept, stored, maintained or allowed to accumulate or remain on any Lot except temporarily within an enclosed structure within a building envelope. No garbage container, trash cans or receptacles shall be maintained in an unsanitary condition. Garbage structures and containers should comply with recommendations which may be made from time to time by the CDOW. The Association and Lot Owners are responsible for the removal and disposal of all animal carcasses from within the subdivision. Hay stored on a Lot shall be secured by a tarp, stored in a structure, or fenced.

13. Fire Protection.

- a. All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards. The design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District;
- b. Vegetation should be removed from near any structures in order to provide a safe zone in the event of a wild land fire;
- c. When constructing access roadways into the parcels, consideration should be given

to the weights of fire apparatus and accessibility during adverse weather conditions;

- d. The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway is used. Letters are to be a minium of 4 inches in height, ½ inches in width and contrast with background colors.

14. Agricultural Living. Colorado is a "Right-to-Farm" State pursuant to C.R.S. § 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendmets, herbicides, and pesticides, any one or more of which may naturally occur as part of a legal and non-negligent agricultural operations.

All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

15. Enforcement. The Association Manager or his authorized agent may enter any Lot in which a violation of this Declaration and these restrictions exists and may correct such violation at the expense of the Owner of such Lot. Any expenses in connection with such correction shall be a Special Assessment against and be secured by a lien upon such Lot enforceable in accordance with the provisions of Article VI hereof. All remedies described in Article VI hereof and all other rights and remedies available at law or equity shall be available to the Association, or the Declarant or any Lot Owner, in the event of any breach of any provision of this Article VII by any other Owner.

ARTICLE VIII

IRRIGATION WATER AND SYSTEM

1. Irrigation Water and Systems. Declarant shall transfer / assign five (5) shares of the Farmers Irrigation Company to the Association for the irrigation water for the respective Lots. Charges for water furnished by The Farmers Irrigation Company will be paid by the Association. The Association shall include in the Annual Assessment, all costs associated with the same. All irrigation shall be accomplished by and through the irrigation systems required to be installed and maintained on each of the above described Lots under the provisions of paragraph 2, Article VII hereof. Irrigation water from the shares of the Farmers Irrigation Company shall be allocated between the Lots on a pro-rata basis based on total acreage. In the event the water physically available is less than the legally available amount, then each Lot owner shall proportionately reduce

consumption of same.

ARTICLE IX DOMESTIC WATER

1. Individual Wells. Each Lot (1-4) is to be served by its own well constructed under permit from the Colorado Division of Water Resources. The Owners of the Lots shall each be entitled to use water from their respective well only for purposes authorized by the well permit and in accordance with the terms and conditions of the well permit. Each Lot Owner shall be solely responsible for the costs of maintenance, operation, repair, service and replacement of their well, pump and associated facilities. The Owners of the Lots shall each own, appurtenant to their respective Lot, the full interest in their respective well, well permit, pump and associated facilities for the withdrawal of water located at each respective well.

2. Reverse Osmosis System. All domestic water supplies shall include treatment by a reverse osmosis (RO) type system. The Owners of Lots 1, 2 and 3 shall be responsible for their respective costs of installation, maintenance, operation, repair, service and connection to an appropriate reverse osmosis system.

ARTICLE X DEDICATION OF RIGHT OF WAY AND EASEMENTS AND ROAD MAINTENANCE OBLIGATIONS

1. Dedication of Public Right-Of-Way. Declarant has dedicated as a public right-of-way for access and utility purposes that portion of the access road, together with the cul-de-sac turnaround, indicated, designated and described as "Garfield County Public Right of Way" on the Final Plat of the Silt Heights Subdivision recorded in the office of the Garfield County Clerk and Recorder.

2. Dedication of Easements. Declarant hereby dedicates the following easements for the purpose and upon the conditions and restrictions specified, to wit:

a. perpetual, non-exclusive easements for the benefit of each Lot and all Lots within the Subdivision for the location of utilities. The location of such easements shall be in conformity with the final plat for the Subdivision; and

b. all easements indicated, designated and described on the Final Plat of the of the Silt Heights Subdivision recorded in the office of the Garfield County Clerk and Recorder.

Unless noted, the easements hereby dedicated are for the private use of the Owners of the respective Lots, their successors, assigns, agents, employees, tenants, guests, licensees and invitees subject to the terms, conditions and provisions herein set forth. Utility easements herein dedicated are only for the use and benefit of the Silt Heights Subdivision. The easements shall be appurtenant

to the respective Lots within the Silt Heights Subdivision.

3. No interference with Easements and Rights of Way of Record. The Silt Heights Subdivision is subject to certain easements and rights-of-way recorded in the office of the Garfield County Clerk and Recorder. Neither the Association nor any Lot Owner shall obstruct or interfere with any such easements or right-of-way of record. The Public Right of Way and Private Access Driveway as indicated, designated and described on the Final Plat of the Silt Heights Subdivision recorded in the office of the Garfield County Clerk and Recorder shall not be gated or otherwise obstructed. Use of the roadway shall be restricted to access and utility purposes and may not be used for the storage of vehicles or equipment or any other use.

4. Road Maintenance Obligations. The costs of repair, maintenance, clearing, trash removal, snow plowing, noxious weed control and other expenses of upkeep and preservation of the road shall be the sole responsibility of the Association. Routine repairs, clearing, trash removal and snow plowing will be conducted from time to time, as deemed necessary by the Lot owners.

ARTICLE XI CONDEMNATION

Whenever all or any part of the Common Facilities shall be taken (or conveyed in lieu of and under threat of condemnation by the Association through Owners Action) by any authority having the power of condemnation or eminent domain, each Lot Owner shall be entitled to notice thereof and to participate in the proceedings incident thereto, unless otherwise prohibited by law. The award made for such taking shall be payable to the Association and used for its purposes herein enumerated.

ARTICLE XII GENERAL PROVISIONS

1. Benefits/Burdens. The covenants, conditions and restrictions of this Declaration and the benefit of easements hereby granted to the Association shall run with title to the Lots and shall inure to the benefit of the Lot Owners and shall be enforceable by the Declarant, or the Association, its Association Manager or any of the Lot Owners.

2. Indemnification. The Association shall indemnify Declarant and any persons acting in the capacity of Association Manager against any and all expenses, including attorneys' fees and costs reasonably incurred by or imposed upon said Declarant or Association Manager in connection with any action, suit or other proceeding (including settlement of any suit or proceeding) to which the Declarant or Association Manager may be a party by reason of any actions, contracts, agreements or other activity undertaken by the Declarant or Association Manager before or after the making of this Declaration. The Declarant or Association Manager shall not be liable for any mistake of judgment, negligent or otherwise, except for willful misfeasance, malfeasance, misconduct or bad faith. The Declarant or Association Manager shall have no personal liability with respect to any

contract or other commitment made by them, in good faith, with respect to the Common Facilities or otherwise, on behalf of the Association, and the Association shall indemnify, save and forever hold such Declarant or any Association Manager free and harmless against any and all liability to any other party on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which Declarant or any Association Manager may be entitled in this regard.

3. Amendment or Modifications.

(a) This Declaration may be amended or modified in any particular by the Declarant so long as Declarant is the Owner of two (2) or more Lots.

(b) At any time subsequent to the conveyance of at least three (3) of the Lots by Declarant, the Lot Owners may amend or modify this Declaration in any particular by a written instrument executed by the Owners of not less than three (3) of the Lots, and recorded in the records of the County. Provided further, that no such amendment or modification of this Declaration which affects or purports to affect any rights accorded to or reserved by the Declarant herein shall be operable or effective unless the aforementioned instrument of amendment or modification is also executed by Declarant.

4. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

5. Perpetuities. If any of the covenants, conditions and restrictions of this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the longest lived member of the presently constituted Board of County Commissioners of the County.

6. Non-Waiver. The failure of Declarant, the Association, the Association Manager, or a Lot Owner to object to any breach of or failure to comply with the provisions of this Declaration or any Rules and Regulations of the Association by a person subject thereto shall in no event be deemed a waiver of any right to object to the same and to seek compliance therewith at any time.

7. Captions. Article and paragraph or section captions, headings, or titles inserted throughout this Declaration are intended solely as a means of convenience and reference and in no way shall such captions, headings or titles define, limit or in any way affect any of the substantive terms and provisions of this Declaration.

8. Context. Whenever the context requires, any pronoun used herein shall be deemed to mean both the feminine and masculine gender, and the singular shall be deemed to also encompass the corresponding plural.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Grant of Easements

and Declaration of Covenants, Conditions and Restrictions for Silt Heights Subdivision the day and year first above written.

Terri Patrick
Terri Patrick

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 3rd day of March, 2008 by Terri Patrick.

Witness my hand and official seal.

My commission expires 11/19/2012

Michelle R Daniels
Notary Public

MICHELLE R. DANIELS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTTAWA
MY COMMISSION EXPIRES NOV 19, 2012
KENT

SILT HEIGHTS SUBDIVISION
SUBDIVISION IMPROVEMENTS AGREEMENT

THIS SILT HEIGHTS SUBDIVISION IMPROVEMENTS AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2007, by and between TERRI PATRICK, (“OWNER”) and the BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO (the “County”).

WITNESSETH:

WHEREAS, Owner is the developer of a parcel of real property known as the SILT HEIGHTS SUBDIVISION which property is depicted on the Final Plat of the SILT HEIGHTS SUBDIVISION (the “Final Plat”).

WHEREAS, on June 19, 2006, the County approved a Preliminary Plan for the SILT HEIGHTS SUBDIVISION (Resolution No. 06-68, “Preliminary Plan Approval”) which would create four residential parcels; and

WHEREAS, as a condition of approval of the Final Plat for the SILT HEIGHTS SUBDIVISION, Owner wishes to enter into this Subdivision Improvements Agreement with the County.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. **FINAL PLAT APPROVAL**. The County hereby accepts and approves the Final Plat for the SILT HEIGHTS SUBDIVISION, subject to the terms and conditions of this Agreement, the Preliminary Plan Approval, and the requirements of the Garfield County Zoning and Subdivision Regulations.
2. **OWNER’S PERFORMANCE**. Owner has constructed and installed, or shall cause to be constructed and installed, at Owner’s expense, those subdivision improvements (“Improvements”) related to the Final Plat for the SILT HEIGHTS SUBDIVISION which are required to be constructed under the Preliminary Plan Approval, this Agreement, and all Garfield County Zoning and Subdivision Regulations. Owner shall comply with the following:
 - a. All Plat documents, including plans marked “Approved for Construction”, submitted prior to or at the time of Final Plat approval, all of which are incorporated herein by this reference (“Final Plat Documents”);
 - b. All requirements of the Preliminary Plat Approval, including all Garfield County Zoning and Subdivision Regulations applicable to this project;

- c. All laws, regulations, orders and resolutions of the State of Colorado, the County of Garfield, and any and all special districts within which the SILT HEIGHTS SUBDIVISION may be located;
- d. All designs, specifications, drawings, maps, sketches, and other materials submitted by Owner and her engineers in furtherance of the application for the approval of the SILT HEIGHTS SUBDIVISION, as heretofore approved by the County, including those items set forth on the certified Engineer's Estimate of Cost of Completion, attached hereto and incorporated herein as **Exhibit A**.
- e. Payment of all fees required by the County and/or such other government authority or special district with jurisdiction, as may be required for installation of the Improvements.
- f. All such Improvements shall be completed before issuance of a building permit, and in any event, before one year from the date of execution of this Agreement, ("Completion Date"), which period may be extended by the Board for good cause shown.

The County agrees that if all required improvements are installed in accordance with the Final Plat documents, the requirements of the Garfield County Zoning Code, all other requirements of this Agreement, and the requirements of the Preliminary Plan Approval, then the Owner shall be deemed to have satisfied all terms and conditions of the Zoning and Subdivision Regulations of Garfield County, Colorado with respect to the installation of Improvements.

3. SECURITY FOR IMPROVEMENTS.

a. Letter of Credit. On or before the date of the recording of the Final Plat of SILT HEIGHTS SUBDIVISION with the Garfield County Clerk and Recorder, Owner shall deliver a Letter of Credit in a form acceptable to the County ("Letter of Credit"). The estimated cost of completing the SILT HEIGHTS SUBDIVISION Improvements, as set forth by a licensed engineer on **Exhibit A** attached hereto is \$46,510.60. Of that amount, Improvements in the amount of \$0.00 have been completed and invoices for those amounts have been paid. A Letter of Credit will be issued in the amount of \$52,260.60 to guarantee completion of the remaining Improvements. Of that amount, \$5,750.00 shall be allocated to revegetation of the disturbed areas which amount the County may hold the security for a two-year period of time following recording of the Final Plat in order to verify the success of revegetation efforts. Certifications and release of the security for revegetation upon expiration of said two-year period shall be substantially in accordance with the procedures outlined below in the section entitled Partial Releases of Security, with certification of completion by the developer and release approved by the Garfield County Vegetation Manager.

The Letter of Credit required by this Agreement shall be issued by a state or national banking institution acceptable to the County. If the institution issuing the Letter of Credit is not licensed in the State of Colorado and transacting business within the State of Colorado, the Letter of Credit shall be "confirmed" within the meaning of the Uniform Commercial Code-Letters of Credit §§ 4-5-101,

et seq., C.R.S., by a bank that is licensed to do business in the State of Colorado, doing business in the State of Colorado, and acceptable to the County. The Letter of Credit must be valid for a minimum of six (6) months beyond the completion date for the Improvements set forth herein. If the time for completion of Improvements is extended by a written amendment to this Agreement, the time period for the validity of the Letter of Credit shall be similarly extended. Additionally, should the Letter of Credit become void or unenforceable for any reason, including bankruptcy of the Owner or the financial institution issuing or confirming the Letter of Credit, prior to acceptance of the Improvements, this Agreement shall become void and of no force and effect, and the Final Plat shall be vacated pursuant to the term of this Agreement.

b. Partial Releases of Letter of Credit. The County shall release portions of the Letter of Credit as portions of the Improvements required hereunder are completed to the satisfaction of the County. Certification of completion of Improvements adequate for release of security must be submitted by a licensed or registered engineer. Such certification authorizing release of security shall certify that the Improvements have been constructed in accordance with the requirements of this Agreement, including all Final Plat Documents.

Upon submission of a certification of completion of Improvements by the Owner, the County may inspect and review the Improvements certified as complete, to determine whether or not said Improvements have been constructed in compliance with the relevant specifications. If the County determines that all or a portion of the Improvements certified as complete are not in compliance with the relevant specifications, the County shall furnish a letter of potential deficiencies to the Owner within fifteen (15) days specifying which Improvements are potentially deficient. If no letter of potential deficiency is furnished within the said fifteen (15) day period, all Improvements certified as complete shall be deemed accepted and the County shall release the appropriate amount of security as it relates to the Improvements that were certified as complete. If a letter of potential deficiencies is issued which identifies a portion of the certified improvement as potentially deficient, then all Improvements not so identified in the letter of potential deficiencies shall be deemed accepted and the County shall release the appropriate amount of security as such relates to the certified Improvements that are not identified as potentially deficient in the letter.

With respect to any Improvements certified as complete by the Owner that are identified as potentially deficient in a letter of potential deficiencies as provided in this paragraph, the County shall have thirty (30) days from the date of the letter of potential deficiencies to complete its investigation and provide written confirmation of deficiency to Owner. If the County finds that the Improvements are acceptable, then appropriate security shall be released to the Owner within ten (10) days after completion of such investigation. In the event the Improvements are not accepted by the County, the Board of Commissioners shall make a written finding prior to requesting payment from the Letter of Credit. Additionally, the County shall provide the Owner a reasonable period of time to cure any deficiency prior to requesting payment from the Letter of Credit.

Upon completion of all Improvements, Owner shall submit to the Board of County Commissioners of Garfield County as-built drawings bearing the stamp of Owner's professional engineer certifying

that all Improvements have been constructed in accordance with the requirements of this Agreement, including all Final Plat Documents.

c. Substitution of Letter of Credit. The County may, at its sole option, permit the Owner to substitute collateral other than a Letter of Credit acceptable to the County for the purpose of securing the completion of the Improvements as hereinabove provided.

d. Recording of Final Plat. The Final Plat for SILT HEIGHTS SUBDIVISION shall not be recorded pursuant to this Agreement until the Letter of Credit described in this Agreement has been received and approved by the County.

4. WATER SUPPLY. Owner shall transfer / assign five (5) shares of the Farmers Irrigation Company to the Silt Heights Subdivision Homeowner's Association for the irrigation water for the respective Lots.

5. ROAD. Owner has dedicated as a public right-of-way for access and utility purposes that portion of the access road, together with the cul-de-sac turnaround, indicated, designated and described as "Silt Heights Drive" on the Final Plat of the SILT HEIGHTS SUBDIVISION. The Silt Heights Subdivision Homeowner's Association shall be solely responsible for the maintenance, repair and upkeep of said road. The County shall not be obligated to maintain any roads within the subdivision.

6. INDEMNITY. To the extent allowed by law, the Owner agrees to indemnify and hold the County harmless and defend the County from all claims which may arise as a result of the Owner's installation of the Improvements required pursuant to this Agreement. However, the Owner does not indemnify the County for claims made asserting that the standards imposed by the County are improper or the cause of the injury asserted. The County shall be required to notify the Owner of receipt of a notice of claim, or a notice of intent to sue, and shall afford the Owner the option of defending any such claim or action. Failure to notify and provide such written option to the Owner shall extinguish the County's rights under this paragraph. Nothing herein shall be interpreted to require the Owner to indemnify the County from claims which may arise from the negligent acts or omissions of the County or its employees.

7. SALE OF LOTS. No parcels within the SILT HEIGHTS SUBDIVISION may be separately conveyed prior to recording of the Final Plat in the records for the Garfield County Clerk and Recorder.

8. ROAD IMPACT FEES. SILT HEIGHTS SUBDIVISION will require a Traffic Impact Fee of \$6,528.30. Fifty percent (50%) of these fees (\$3,264.15) will be due at the time of Final Plat approval for SILT HEIGHTS SUBDIVISION. The remaining 50% (\$3,264.15) will be collected pro rata from the lot owner at the time of building permit issuance for residences on Lots 1 through 3 (i.e. \$1,088.05) each time a building permit issues for a residence within SILT HEIGHTS SUBDIVISION. The Owner agrees that, prior to conveyance of any lot, it will provide the purchaser

of that lot with a signed copy of the form attached as **Exhibit B** advising the purchaser of the same.

9. FEES IN LIEU OF DEDICATION OF SCHOOL LAND. The Owner shall make a cash payment in lieu of dedicating land to the RE-2 School District, calculated in accordance with the Garfield County subdivision regulations and the requirements of state law. The Owner and the County acknowledge and agree that the cash in lieu payment for the Subdivision is calculated as \$200.00 per unit.

The Owner, therefore, shall pay to the Garfield County Treasurer, at or prior to the time of recording of the Final Plat, \$800.00 as a payment in lieu of dedication of land to the RE-2 School District. Said fee shall be transferred by the County to the school district in accordance with the provisions of §30-28-133, C.R.S., as amended, and the Garfield County subdivision regulations.

The Owner agrees that it is obligated to pay the above-stated fee, accepts such obligation, and waives any claim that Owner is not required to pay the cash in lieu of land dedication fee. The Owner agrees that Owner will not claim, nor is Owner entitled to claim, subsequent to recording of the Final Plat of the Subdivision, a reimbursement of the fee in lieu of land dedication to the RE-2 School District.

10. ISSUANCE OF BUILDING PERMITS. As one remedy for breach of this Agreement, the County may withhold issuance of any building permits for any new structure within SILT HEIGHTS SUBDIVISION. Without limiting the generality of the foregoing, should crossings of the Farmers Irrigation Ditch be required to access building sites, such crossings shall be approved by the Silt Water Conservancy District and proof of approval shall be submitted with any applicable building permit applications(s).” The parties also agree that no certificates of occupancy for new residences within SILT HEIGHTS SUBDIVISION shall be issued until all Improvements (as defined above) have been completed as required by this Agreement. Finally, the Owner agrees that, prior to conveyance of any lot, it will provide the purchaser of that lot with a signed copy of the form attached as **Exhibit B** concerning the issuance of building permits and certificates of occupancy for new construction.

11. FIRE PROTECTION. The Owner agrees that, prior to conveyance of any lot, it will provide the purchaser of that lot with a signed copy of the form attached as **Exhibit B** advising the purchaser that all new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards, and that the design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District.

12. SPECIAL NOTICE REGARDING BUILDING SITE ACCESS. Should crossings of the Farmer’s Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application. The Owner agrees that, prior to conveyance of any lot, it will provide the purchaser of that lot with a signed copy of the form attached as **Exhibit B** advising the purchaser of the same.

13. ENFORCEMENT. In addition to any rights which may be provided by Colorado statute, the withholding of building permits and certificates of occupancy, and the provisions for release of security detailed above, it is mutually agreed by the County and the Owner that the County, without making an election of remedies, or any purchaser of any lot within the Subdivision shall have the authority to bring an action in the Garfield County District Court to compel enforcement of this Agreement. Nothing in this Agreement, however, shall be interpreted to require the County to bring an action for enforcement or to withhold permits or certificates or to withdraw and use security. Nor shall this paragraph or any other provision of this Agreement be interpreted to permit the purchaser of a lot to file an action against the County.

14. CONSENT TO VACATE PLAT. In the event the Owner fails to comply with the terms of this Agreement, the County shall have the ability to vacate the Final Plat as it pertains to any lots for which building permits have not been issued. As to lots for which building permits have been issued, the plat shall not be vacated and shall remain valid. In such event, the Owner shall provide the County a survey, legal description and a plat showing the location of any portion of the Final Plat so vacated and shall record the plat in the Office of the Garfield County Clerk and Recorder. If such plat is not recorded by the Owner, the County may vacate the plat, or portions thereof, by Resolution.

15. NOTICE BY RECORDATION. This Agreement shall be recorded in the Office of the Garfield County Clerk and Recorder and shall be a covenant running with title to all lots, tracts, and parcels within the Subdivision. Such recording shall constitute notice to prospective purchasers or other interested parties as to the terms and provisions thereof.

16. SUCCESSORS AND ASSIGNS. The obligations and rights contained herein shall be binding upon and inure to the benefit of the successors and assigns of the Owner and the County.

17. NOTICES. All notices required or permitted by this Agreement shall be in writing and shall be deemed effective when received by the recipient party via personal delivery, facsimile transmission, United States certified mail, postage prepaid, return receipt requested, by messenger or by overnight delivery service, in all cases addressed to the person for who it is intended at their address and facsimile numbers(s) set forth below or to such other address as a party shall have designated by notice in writing to the other party in the manner provided by this paragraph:

If to Owner: Terri Patrick
6605 South Arbutus Circle
Suite 1326
Littleton, Colorado 80127

If to the County: Board of County Commissioners
c/o Fred Jarman, Garfield County Planning Director
108 Eighth Street, Room 201
Glenwood Springs, CO 81601

18. AMENDMENT. This Agreement may be amended or modified from time to time, but only in writing signed by the parties hereto.

19. VENUE AND JURISDICTION. Venue and jurisdiction for any cause arising out of, or related to, this Agreement shall lie with the District Court for Garfield County, Colorado, and this Agreement shall be construed according to the laws of the State of Colorado.

IN WITNESS WHEREOF, the parties have signed this Agreement to be effective upon the date first set forth above.

BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF GARFIELD, STATE OF COLORADO

By: _____
Print Name:
Chairman

ATTEST:

Jean Alberico, Clerk and Recorder
Garfield County, Colorado

T. Patrick
TERRI PATRICK

STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

Subscribed and sworn to before me by TERRI PATRICK, this _____ day of _____, 200_.
WITNESS my hand and official seal.
My commission expires:

Notary Public

MICHELLE R. DANIELS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTTAWA
COMMISSION EXPIRES NOV 19, 2012
City of Kent

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 3rd DAY OF March A.D. 2007
Michelle R. Daniels
NOTARY PUBLIC STATE OF MICHIGAN
MY COMMISSION EXPIRES: 11/19/2012
COUNTY OF: Ottawa
acting in Kent County

EXHIBIT A

SILT HEIGHTS SUBDIVISION ENGINEERS OPINION OF PUBLIC IMPROVEMENT COSTS HCE JOB NO: 2000023.02				
August 20, 2007		k:\qprodata\file\2000023\siltheights-3-8-07.xls		
ITEM	QUANTITY		UNIT COST	COST
Road Construction				
Earthwork	1	L.S.	\$ 3,000.00	\$ 3,000.00
Topsoil Removal and Stockpiling	1	L.S.	\$ 500.00	\$ 500.00
6" Class 6 Base Material	390	CY	\$ 70.00	\$ 27,300.00
			Subtotal	\$ 30,800.00
Erosion Control				
Sediment Control Fence	648	L.F.	\$ 3.00	\$ 1,944.00
Hay Check Dams	22	Each	\$ 50.00	\$ 1,100.00
			Subtotal	\$ 3,044.00
Miscellaneous				
Electric Transformer	1	Each	\$ 3,000.00	\$ 3,000.00
Traffic Signs	3	Each	\$ 1,200.00	\$ 3,600.00
			Subtotal	\$ 6,600.00
			Subtotal	\$ 40,444.00
Contingency (10%)				\$ 4,044.40
Mobilization (5%)				\$ 2,022.20
			Total	\$ 46,510.60

This summary of probable construction cost was prepared for estimating purposes only. High Country Engineering, Inc. cannot be held responsible for variances from this estimate as actual costs may vary due to bid and market fluctuations.

EXHIBIT B

NOTICE REGARDING BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

TO: All Purchasers of home sites within **SILT HEIGHTS SUBDIVISION**

YOU ARE HEREBY NOTIFIED under applicable Garfield County regulations, you may not commence construction of a residence within unincorporated Garfield County, including SILT HEIGHTS SUBDIVISION prior to issuance of a building permit by Garfield County. Under the terms of the Subdivision Improvements Agreement between Garfield County and Terri Patrick, Garfield County will not issue building permits for any new structure in SILT HEIGHTS SUBDIVISION until the prorated portion of the remaining 50% of the Garfield County Road Impact Fee is paid by the party seeking the building permit. Note: The owner paid 50% of such fee as part of the subdivision approval process.

Additionally, Garfield County will not issue Certificates of Occupancy for any new structures within SILT HEIGHTS SUBDIVISION until all of the subdivision improvements have been completed in accordance with the Subdivision Improvements Agreement between Garfield County and Terri Patrick.

All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards, and that the design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District.

Additionally, Should crossings of the Farmer's Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.

Terri Patrick

The foregoing Notice was read and understood by the undersigned Purchaser of a home site within SILT HEIGHTS SUBDIVISION, this _____ day of _____ 20__.

PURCHASER(S):

(Type Name(s))

(Type Address)

ESTIMATED TRAFFIC STATEMENT SILT HEIGHTS SUBDIVISION

Below are the calculation to determine the average daily traffic volume that can be expected to be generated at build out of the Silt Heights Subdivision:

Number of Primary Residences: 4 (3 proposed and 1 existing)
Number of Additional Dwelling Units (ADUs): 0

Number of vehicles per day generated by single-family detached residential per the ITE Trip Generation Manual, 6th Edition: 9.57 per residence

$4 \text{ residences} \times 9.57 \text{ trips/day/residence} = 38.28 \text{ ADT}$

The impact fees are expected to be about \$210 per average daily trip for 4 units (4 lots with 0 ADUs) minus the appropriate discounts according to previous County comments on Sketch plan review. Using the traffic generation estimate of 38.28 trips per day, the general traffic impact figure equates to \$8,040. Subtracting the traffic already in the system for the existing house on the property (\$2010) the total fee would be \$6,030. One half of the fee (\$3,015) will be submitted at final plat and the other half will be paid by the individual lot owners prior to building permits being issues.

The County has calculated the fees as \$6,528.30 which requires \$3,264.15 to be submitted at final plat and the other half will be paid by the individual lot owners prior to building permits being issues.

TITLE POLICY

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

File No. 9807046

1. Effective Date: April 2, 2002 at 7:59 AM

2. Policy or Policies to be issued:

(a) ALTA OWNER POLICY (ALTA 10-17-92)

TBD

Proposed Insured:

A Purchaser To Be Determined

(b) ALTA LOAN POLICY (10-17-92)

Proposed Insured:

3. The Estate or interest in the land described or referred to in the Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

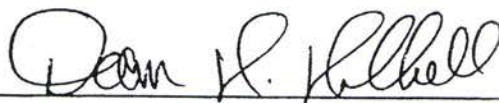
Terri Patrick

TITLE CHARGES

Owner's Policy Standard Coverage
Tax Certificate

TBD
10.00

COUNTERSIGNED:



Authorized Officer or Agent

jg

Valid Only if Schedule B and Cover Are Attached

American Land Title Association
Schedule A
(Rev'd 6-86)

Issuing Agent:
Commonwealth Title Company of Garfield County, Inc.
127 East 5th Street Rifle, CO 81650

SCHEDULE A
Legal Description

4. The land referred to in this Commitment is situated in the County of Garfield, State of Colorado and described as follows:

A tract of land situated in the NE1/4SE1/4 and SE1/4SE1/4 of Section 28, the NW1/4SW1/4 and SW1/4SW1/4 of Section 27 and the NW1/4NW1/4 of Section 34, Township 5 South, Range 92 West of the 6th P.M., County of Garfield, state of Colorado, said tract of land being more particularly described as follows:

(All bearings in this description are relative to the West line of the SW1/4 of said Section 27 as Bearing North 00°12'00" West)

Beginning at the Southwest Corner of said Section 27, said Southwest Corner being a brass cap and standard monument P.L.S. #10732; then South 00°05'33" East along the West line of said NW1/4NW1/4 of said Section 34 a distance of 69.92 feet; then departing said West line 119.59 feet along the arc of a non-tangent curve to the right having a radius of 66.79 feet, a central angle of 102°35'11" and a chord which bears North 51°04'22" East 104.24 feet; then South 77°37'58" East 20.94 feet; then 107.49 feet along the arc of a curve to the left having a radius of 800.00 feet, a central angle of 07°41'54" and a chord which bears South 81°28'55" East 107.41 feet; then South 85°19'52" East 150.72 feet; then North 02°44'07" East 906.33 feet; then North 02°08'39" East 906.62 feet; then North 84°20'59" West 443.78 feet; then South 81°10'08" West 582.74 feet, then South 01°06'08" East 443.92 feet; then South 06°15'25" East 760.77 feet; then 35.11 feet along the arc of a curve to the left having a radius of 160.00 feet, a central angle of 12°34'23" and a chord which bears South 12°32'39" East 35.04 feet; then South 18°49'52" East 203.24 feet; then 94.65 feet along the arc of curve to the left having a radius of 400.00 feet, a central angle of 13°33'28" and a chord which bears South 25°36'37" East 94.43 feet; then South 61°22'12" East 236.68 feet; then South 64°02'26" East 187.83 feet to the East Line of Said SE1/4SE1/4; then along said East line South 00°12'00" East 21.00 feet to the POINT OF BEGINNING.

SCHEDULE B - SECTION 1

The Following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded to the office of the Clerk and Recorder of the County in which said property is located.

1. Warranty deed from Terri Patrick vesting fee simple title in A Purchaser To Be Determined.

SCHEDULE B - SECTION 2

Schedule B of 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 and 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. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any lien or charge on account of the inclusion of subject property in an improvement district.
8. Right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded November 6, 1930 in Book 172 at Page 516.
9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded April 26, 1913 in Book 71 at Page 587.
10. Undivided one-half interest in and to all oil, gas and other minerals as described in Deed recorded April 23, 1970 in Book 409 at Page 457.
11. Road easement described in deed recorded March 8, 1983 in Book 621 at Page 609 and Page 615.
12. Access and utility easements described in deeds recorded November 13, 1996 in Book 999 at Page 527, Page 529, Page 530, Page 531 and Page 533 and June 6, 1997 in Book 1021 at Page 249, May 9, 1997 in Book 1018 at Page 152 and September 15, 1982 in Book 608 at Page 285.
13. Easement for the construction, operation and maintenance of a pump and pipeline as conveyed in deed recorded May 9, 1997 in Book 1018 at Page 152. (exact location not defined)

(Continued)

**SCHEDULE B - SECTION 2
(Continued)**

14. Easement and right of way for any existing irrigation, ditches, laterals, canals or pipelines.
15. Covenants, conditions and easements created by deed recorded July 17, 1997 in Book 1026 at Page 378.
16. Apparent easement and right of way for overhead electric and roads as shown on the Improvement Location Certificate dated August 29, 1998 by Bookcliff Survey Services, Inc.
17. Deed of Trust from Terri Patrick to the Public Trustee of Garfield County for the use of Green Tree Financial Servicing, Inc., showing an original amount of \$114,873.16, dated August 7, 1998 and recorded August 14, 1998 in Book 1083 at Page 501.

**NOTE: EXCEPTION(S) N/A WILL NOT APPEAR IN THE OWNER'S POLICY TO BE ISSUED
HEREUNDER.**

The Owner's Policy of Title Insurance committed for in this Commitment, if any, shall contain, in addition to the Items set forth in Schedule B - Section 2, the following items:

- (1) The Deed of Trust, if any, required under Schedule B - Section 1. (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof. (3) any and all unpaid taxes, assessments and unredeemed tax sales.

INFORMATIONAL NOTES

This is to advise that COMMONWEALTH TITLE INSURANCE COMPANY makes available to its prospective insured owners, in conjunction with their COMMONWEALTH TITLE INSURANCE COMPANY policy covering a single family residence, including a condominium or townhouse unit, protection against mechanics' liens. This protection is not automatic nor given in all cases, but is subject to the Company's underwriting requirements, and does not cover those liens which arise out of work contracted for or entered into at the request of the insured owner. These underwriting requirements include, but may not be limited to, the following:

1. Receipt by the Company of agreement(s) indemnifying it for any loss resulting from its granting of lien protection, executed by the seller, contractor or others who might have incurred debts which could result in mechanics' liens;
2. Information concerning the solvency and whereabouts of the parties set forth in Item No. 1, possibly including financial statements;
3. Evidence of payment of any bills which might have been incurred for work done on the property, depending upon the length of time elapsed since the last work was completed and what remains to be done;
4. In the event of extensive recent constructions, whether on all the improvements located upon the property or not, additional items required may include: (a) the Company's review of the owner's and/or builder's history relative to construction projects previously completed or presently under construction; (b) review of the construction loan agreement if applicable; (c) review of any performance or materialmen's bonds concerning this construction, if applicable; (d) payment of the appropriate charge for mechanics' lien protection during construction, if applicable.

This is also to advise that, pursuant to Regulation of the Colorado Insurance Commissioner, every title entity shall be responsible for all matters which appear of record prior to the time of recording, and subsequent to the effective date of the commitment, whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed. This does not include those matters created, suffered, assumed or agreed to by the insured. The prospective insured is advised to inquire of the closing entity as to whether it is an office of COMMONWEALTH TITLE INSURANCE COMPANY or is an independent agent which will be the responsible entity relative to the closing only.

NOTICE

If Schedule B of your commitment for an owner's title policy reflects an exception for mineral interests or leases, pursuant to CRS 10-11-123 (HB 01-1088), this is to advise:

- a) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- b) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Pursuant to Senate Bill 91-14 (CRS 10-11-122) Notice is hereby given that:

- a) The subject real property may be located in a special taxing district;
- b) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent;
- c) Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. NOTE: A Tax certificate will be ordered from the County Treasurer by the Company and the costs therefore charged to the proposed insured unless written instructions to the contrary are received by the company prior to the issuance of the Title Policy anticipated by this commitment.



Commonwealth

A LANDAMERICA COMPANY

Commonwealth Land Title Insurance Company, a Pennsylvania corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate 120 days after the effective date hereof or when the policy or policies committed for shall be issued, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the company.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Commitment to become valid when countersigned by an authorized officer or agent of the Company.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Attest:

Wm. Chadwick Perrine

Secretary



By:

Janet A. Alpert

President

Conditions and Stipulations

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

378

WARRANTY DEED

THIS DEED, Made this 16th day of July, 1997, between KENNETH L. ELDER and JANEY RUTH ELDER aka J. RUTH ELDER aka RUTH ELDER, of the County of Garfield and State of Colorado, Grantors, and JAMES R. HUBBARD and TERRI PATRICK, Tenants in Common, whose legal address is P. O. Box 561, Rifle, of the County of Garfield, State of Colorado, Grantees:

WITNESSETH, That the Grantors for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the Grantees, their heirs, successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield, State of Colorado described as follows:

That real property described on Exhibit A attached hereto, subject to a permanent, non-exclusive access and utility easement described as set forth on Exhibit B, which access and utility easement is for the benefit of the properties described on Exhibit A, as well as Exhibit C, D and E attached hereto. All exhibits attached hereto are incorporated herein by reference.

Also subject to easements in location to be determined as necessary and sufficient for the construction, operation and maintenance of pumps and buried pipelines from the Farmers Irrigation Ditch to the parcels described on Exhibits D and E attached to this deed.

By accepting delivery of the within deed, Grantees covenant and agree not to place, at any time, a gate or other obstruction across the easement described on Exhibit B attached to this deed, unless Grantees have obtained, in writing, the permission of all property owners who have a lawful right to use said easement. This covenant shall run with the land, shall be perpetual, and shall be binding upon Grantees' co-owners and successors. This covenant shall not prevent construction of a cattle guard on said easement.

TOGETHER with any wells, well water and water rights used in, on or in connection with said property, including five (5) shares of Farmers Irrigation Ditch stock, together with easements and ditches in place and in use sufficient to divert, transport and use said water on the property described in Exhibit A.

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 Grantors, either in law or equity, of, in and to the above-bargained premises, with the hereditaments and appurtenances.

511059 07/17/1997 09:06A B1026 P378 432
1 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

9706017

Return to: Stowers George P.C.
P.O. Box 907
Rifle, CO 81650

36.00
10

TO HAVE AND TO HOLD the said premises above-bargained and described, with the appurtenances, unto the Grantees, their heirs, successors and assigns forever. And the Grantors, for themselves, their heirs, successors and assigns, do covenant, grant, bargain, and agree to and with the Grantees, their heirs, successors or assigns, that at the time of the ensembling and delivery of these presents, are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except subject to the 1997 general property taxes, patent reservations, prior mineral reservations, restrictions, easements of record and in place and in use, mineral reservations and leases thereof.

The Grantors shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantees, their heirs, successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

Janey Ruth Elder *J. Ruth Elder* *Kenneth L. Elder*
Janey Ruth Elder aka J. Ruth Elder aka Ruth Elder Kenneth L. Elder
Ruth Elder

STATE OF COLORADO)
) ss
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 16th day of July, 1997, by JANEY RUTH ELDER aka J. RUTH ELDER aka RUTH ELDER and KENNETH L. ELDER.

Witness my hand and official seal.

My Commission Expires: 9/27/07



Denna Roof
Notary Public

511059 07/17/1997 09:06A B1026 P379 432
2 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT A

A TRACT OF LAND SITUATED IN THE NE¼ NE¼ AND THE SE¼ NE¼ OF SECTION 28, THE NW¼ SW¼ AND THE SW¼ SW¼ OF SECTION 27 AND THE NW¼ NW¼ OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¼ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 27, SAID SOUTHWEST CORNER BEING A BRASS CAP AND STANDARD MONUMENT P.L.S. #10732; THEN S. 00°05'33" E. ALONG THE WEST LINE OF SAID NW¼ NW¼ OF SAID SECTION 34 A DISTANCE OF 69.92 FEET; THEN DEPARTING SAID WEST LINE 119.59 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 66.79 FEET, A CENTRAL ANGLE OF 102°35'11" AND A CHORD WHICH BEARS N. 51°04'22" E. 104.24 FEET; THEN S. 77°37'58" E. 20.94 FEET; THEN 107.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 07°41'54" AND A CHORD WHICH BEARS S. 81°28'55" E. 107.41 FEET; THEN S. 85°19'52" E. 150.72 FEET; THEN N. 02°44'07" E. 906.33 FEET; THEN N. 02°08'39" E. 906.62 FEET; THEN N. 84°20'59" W. 443.78 FEET; THEN S. 81°10'08" W. 582.74 FEET; THEN S. 01°06'08" E. 443.92 FEET; THEN S. 06°15'25" E. 760.77 FEET; THEN 35.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 12°34'23" AND A CHORD WHICH BEARS S. 12°32'39" E. 35.04 FEET; THEN S. 18°49'52" E. 203.24 FEET; THEN 94.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 13°33'28" AND A CHORD WHICH BEARS S. 25°36'37" E. 94.43 FEET; THEN S. 61°22'12" E. 236.68 FEET; THEN S. 64°02'26" E. 187.83 FEET TO THE EAST LINE OF SAID SE¼ NE¼; THEN ALONG SAID EAST LINE S. 00°12'00" EAST 21.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 36.44 ACRES AS DESCRIBED.

511059 07/17/1997 09:06A 81026 P380 432
3 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT B

AN EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTILITIES, SAID EASEMENT BEING THIRTY FEET (30.00') IN WIDTH, SAID EASEMENT ENCOMPASSING THE FOLLOWING DESCRIBED AREA BEING SITUATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¼ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT A POINT FROM WHICH THE WEST ¼ CORNER OF SAID SECTION 27 BEARS N. 25°35'02" W. 960.08 FEET, SAID WEST ¼ CORNER BEING A BLM STANDARD MONUMENT; THEN S. 02°08'39" W. 908.31 FEET; THEN S. 02°44'07" W. 905.16 FEET; THEN S. 85°19'53" E. 30.02 FEET; THEN N. 02°44'07" E. 906.33 FEET; THEN N. 02°08'39" E. 906.62 FEET; THEN N. 84°20'59" W. 30.05 FEET TO THE POINT OF BEGINNING.


511059 07/17/1997 09:06A B1026 P381 432
4 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT C

A TRACT OF LAND SITUATED IN THE NW¼ SW¼ AND THE SW¼ SW¼ OF SECTION 27 AND IN THE NW¼ NW¼ OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¼ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT A POINT FROM WHICH THE WEST ¼ CORNER OF SAID SECTION 27 BEARS S. 84°20'59" W. 443.78 FEET AND N. 00°12'00" W. 825.23 FEET; THEN S. 02°08'39" W. 906.62 FEET; THEN S. 02°44'07" W. 906.33 FEET; THEN 100.13 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 09°33'41" AND A CHORD WHICH BEARS N. 89°53'18" E. 100.01 FEET; THEN N. 85°06'28" E. 50.78 FEET; THEN S. 86°33'12" E. 48.76 FEET; THEN S. 84°38'31" E. 90.46 FEET; THEN 124.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 161.89 FEET, A CENTRAL ANGLE OF 43°56'39" AND A CHORD WHICH BEARS N. 73°23'09" E. 121.14 FEET; THEN N. 51°24'50" E. 131.89 FEET; THEN 276.29 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1109.00 FEET, A CENTRAL ANGLE OF 14°16'27" AND A CHORD WHICH BEARS N. 58°33'04" E. 275.57 FEET; THEN N. 65°41'17" E. 255.46 FEET TO THE EAST LINE OF SAID SW¼ SW¼; THEN N. 00°13'24" W. ALONG SAID EAST LINE 875.01 FEET TO THE NORTHEAST CORNER OF SAID SW¼ SW¼; THEN N. 00°13'24" W. ALONG THE EAST LINE OF SAID NW¼ SW¼ 488.85 FEET; THEN DEPARTING SAID EAST LINE N. 84°20'59" W. 898.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 35.07 ACRES AS DESCRIBED.


511059 07/17/1997 09:06A B1025 P382 432
5 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT D

A TRACT OF LAND SITUATED IN THE NW¼ SW¼ AND THE SW¼ NW¼ OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW¼ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT THE NORTHEAST CORNER OF SAID SW¼ NW¼, SAID NORTHEAST CORNER BEING A #5 REBAR AND ALUMINUM CAP, P.L.S. #27613; THEN N. 84°07'32" W. ALONG THE NORTH LINE OF SAID SW¼ NW¼ 707.33 FEET; THEN DEPARTING SAID NORTH LINE S. 00°00'00" E. 1306.98 FEET; THEN S. 12°38'49" W. 827.09 FEET; THEN S. 84°20'59" E. 828.29 FEET TO THE EAST LINE OF SAID NW¼ SW¼; THEN N. 00°13'24" W. ALONG SAID EAST LINE 825.26 FEET TO THE NORTHEAST CORNER OF SAID NW¼ SW¼; THEN N. 00°15'51" W. ALONG THE EAST LINE OF SAID SW¼ NW¼ 1304.81 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 36.36 ACRES AS DESCRIBED.


511059 07/17/1997 09:06A B1026 P383 432
6 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

EXHIBIT E

A TRACT OF LAND SITUATED IN THE E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 28, THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ AND THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 27, THE E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 21 AND THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 27 AS BEARING N. 00°12'00" W.)

BEGINNING AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 27, SAID WEST $\frac{1}{4}$ CORNER BEING A BLM STANDARD MONUMENT; THEN S. 00°12'00" E. ALONG THE WEST LINE OF SAID NW $\frac{1}{4}$ SW $\frac{1}{4}$ 825.23 FEET; THEN DEPARTING SAID WEST LINE S. 84°20'59" E. 443.78 FEET; THEN N. 12°38'49" E. 827.09 FEET; THEN N. 00°00'00" W. 1306.98 FEET TO THE NORTH LINE OF SAID SW $\frac{1}{4}$ NW $\frac{1}{4}$; THEN S. 84°07'32" E. ALONG SAID NORTH LINE 707.33 FEET TO THE NORTHEAST CORNER OF SAID SW $\frac{1}{4}$ NW $\frac{1}{4}$; THEN N. 00°15'31" W. ALONG THE EAST LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1304.58 FEET TO THE NORTHEAST CORNER OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$; THEN N. 00°14'34" W. ALONG THE EAST LINE OF SAID SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1313.90 FEET TO THE NORTHEAST CORNER OF SAID SW $\frac{1}{2}$ SW $\frac{1}{4}$; THEN N. 83°37'05" W. ALONG THE NORTH LINE OF SAID SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1349.25 FEET TO THE NORTHEAST CORNER OF SAID E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; THEN S. 87°14'14" W. ALONG THE NORTH LINE OF SAID E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 656.82 FEET TO THE NORTHWEST CORNER OF SAID E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; THEN S. 00°23'28" E. ALONG THE WEST LINE OF SAID E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1292.68 FEET TO THE SOUTHWEST CORNER OF SAID E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; THEN S. 00°13'11" E. ALONG THE WEST LINE OF SAID E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1340.09 FEET TO THE SOUTHWEST CORNER OF SAID E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; THEN ALONG THE SOUTH LINE OF SAID E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ N. 87°06'22" E. 660.42 FEET TO THE SOUTHEAST CORNER OF SAID E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; THEN S. 00°15'12" E. ALONG THE WEST LINE OF SAID SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1310.06 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 149.24 ACRES, AS DESCRIBED.


511059 07/17/1997 09:06A B1026 P384 432
7 of 7 R 36.00 D 10.00 N 0.00 GARFIELD CLERK

SurvCo, Inc.
Professional Land Surveying Services

Exhibit A
PROPERTY DESCRIPTION
"TRACT 1"

A TRACT OF LAND SITUATED IN THE NE1/4SE1/4 AND THE SE1/4SE1/4 OF SECTION 28, THE NW1/4SW1/4 AND THE SW1/4SW1/4 OF SECTION 27 AND THE NW1/4NW1/4 OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 27 AS BEARING N.00°12'00"W.)

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 27, SAID SOUTHWEST CORNER BEING A BRASS CAP AND STANDARD MONUMENT P.L.S. #10732; THEN S.00°05'33"E. ALONG THE WEST LINE OF SAID NW1/4NW1/4 OF SAID SECTION 34 A DISTANCE OF 69.92 FEET; THEN DEPARTING SAID WEST LINE 119.59 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 66.79 FEET, A CENTRAL ANGLE OF 102°35'11" AND A CHORD WHICH BEARS N.51°04'22"E. 104.24 FEET; THEN S.77°37'58"E. 20.94 FEET; THEN 107.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 07°41'54" AND A CHORD WHICH BEARS S.81°28'55"E. 107.41 FEET; THEN S.85°19'52"E. 150.72 FEET; THEN N.02°44'07"E. 906.33 FEET; THEN N.02°08'39"E. 906.62 FEET; THEN N.84°20'59"W. 443.78 FEET; THEN S.81°10'08"W. 582.74 FEET; THEN S.01°06'08"E. 443.92 FEET; THEN S.06°15'25"E. 760.77 FEET; THEN 35.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 12°34'23" AND A CHORD WHICH BEARS S.12°32'39"E. 35.04 FEET; THEN S.18°49'52"E. 202.24 FEET; THEN 94.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 13°33'28" AND A CHORD WHICH BEARS S.25°36'37"E. 94.43 FEET; THEN S.51°22'12"E. 236.68 FEET; THEN S.64°02'26"E. 197.83 FEET TO THE EAST LINE OF SAID SE1/4SE1/4; THEN ALONG SAID EAST LINE S.00°12'00"E. 21.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 36.44 ACRES AS DESCRIBED.

12/FEB/1997
96045T1.DOC
corrected 17/feb/1998





530523 08/14/1998 10:18A B1083 P499 M ALSDORF
1 of 2 R 11.00 D 0.00 GARFIELD COUNTY CO

419

Recor
Receipt

Recorder

QUITCLAIM DEED

THIS DEED, made this 7TH day of AUGUST, 19 98,
between JAMES R. HUBBARD

of the

County of GARFIELD and State of COLORADO
grantor(s), and TERRI PATRICK

whose legal address is

1175 City Blvd. 259, Rifle, CO 81650

of the County of GARFIELD and State of COLORADO, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee(s), her heirs, successors and assigns forever, all the right, title, interest, claim and demand which the grantor(s) has in and to the real property, together with improvements, if any, situate, lying and being in the County of GARFIELD and State of Colorado, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF

9807046

also known by street and number as:
assessor's schedule or parcel number:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s) her heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

James R. Hubbard
JAMES R. HUBBARD

STATE OF COLORADO)
County of GARFIELD) ss.
)

The foregoing instrument was acknowledged before me this 7TH day of AUGUST, 19 98,
by JAMES R. HUBBARD



Witness my hand and official seal.
My commission expires: 09-27-01

Dennis Hoop
127 E. 5TH ST., RIFLE, CO 81650 Notary Public

Name and Address of Person Creating Newly Created Legal Description (438-35-106.5, C.R.S.)

Return to: Terri Patrick, 1175 City Blvd. 259, Rifle CO 81650

319

11

**PROPERTIES WITHIN 200 FEET OF TERRI PATRICK'S PROPERTY
(SECTIONS 27, 28 & 34, TOWNSHIP 5 SOUTH, RANGE 92 WEST)**

<p><u>Jewell, John S. and Georgann</u> 280 County Road 259A Rifle, CO 81650-9721 2127-284-00-169 (28-5-92)</p>	<p><u>Milton, Terry D.</u> 1180 County Road 259 Rifle, CO 81650 2127-273-00-261 (27-5-92)</p>
<p><u>Mulvihill, Gene</u> 355 Madison Avenue #3 Morristown, NJ 07960-6910 2127-281-00-168 (28-5-92)</p>	<p><u>Dwire, Alan F. and Linda L.</u> 1164 County Road 259 Rifle, CO 81650 2127-342-00-153 (34-5-92)</p>
<p><u>Field, M. Lynda</u> 704 County Road 259 Rifle, CO 81650 2127-342-00-154 (34-5-92)</p>	<p><u>Torres, Eric Smokey and Leslie H.</u> P.O. Box 554 Glenwood Springs, CO 81602 2127-342-00-155 (34-5-92)</p>
<p><u>Coquoz, Robert L. and Sue A.</u> 1177 County Road 250 Rifle, CO 81650 2127-273-00-267 (27-5-92)</p>	<p><u>Bailey, Dan L. and Dawn R.</u> 1171 County Road 250 Rifle, CO 81650 2127-272-00-285 (27-5-92)</p>
<p><u>Roberts, Rhonda and Mary Jo</u> 1529 County Road 259 Rifle, CO 81650 2127-273-00-256 (27-5-92)</p>	
MINERAL RIGHTS OWNERS:	
<p><u>Urban, Lee Roy</u> 0284 County Road 259A Rifle, CO 81650-9721</p>	<p><u>Jewell, Tammy Lorraine</u> 818 Whiteriver Avenue Rifle, CO 81650</p>
MINERAL RIGHTS LESSEES:	
<p><u>Williams Production RMT Company</u> 1515 Arapahoe Street Tower #3, Suite #1000 Denver, CO 80202</p>	

GEOTECHNICAL REPORT



Hepworth-Pawlak Geotechnical, Inc.
5020 County Road 154
Glenwood Springs, Colorado 81601
Phone: 970-945-7988

Fax: 970-945-8454
hpgeo@hpgeotech.com

**PRELIMINARY SUBSOIL STUDY
PROPOSED FOUR LOT SUBDIVISION
NORTH OF COUNTY ROAD 259
NORTHEAST OF RIFLE
GARFIELD COUNTY, COLORADO**

JOB NO. 100 442

OCTOBER 31, 2001

PREPARED FOR:

**TERRI PATRICK
P.O. BOX 561
RIFLE, COLORADO 81650**

HEPWORTH - PAWLAK GEOTECHNICAL, INC.

October 31, 2001

Terri Patrick
P.O. Box 561
Rifle, Colorado 81650

Job No. 100 442

Subject: Report Transmittal, Preliminary Subsoil Study, Proposed Four Lot
Subdivision, North of County Road 259, Northeast of Rifle, Garfield
County, Colorado.

Dear Ms. Patrick:

As requested, we have conducted a preliminary subsoil study for the proposed residential development at the subject site.

Subsurface conditions encountered in the exploratory borings drilled in the general proposed building area consist of about ½ foot of topsoil and 5½ to 9½ feet of stiff to hard slightly sandy to sandy silty clay overlying stiff to very stiff and medium dense to dense clay and sand. Hard sandstone bedrock was encountered beneath the sand at depths of 12 and 36 feet in Borings 1 and 2, respectively. Groundwater was not encountered in the borings and the soils were slightly moist to moist.

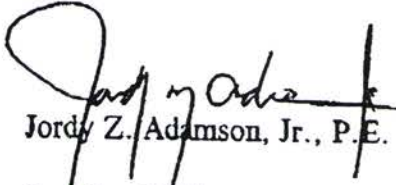
The natural clay subsoils appear to have an expansion potential when wetted. Expansive clay soils require special designs to limit the risk of foundation and floor slab heave. Concentrated load on spread footings, structural floor slabs, drilled or driven piles and subexcavation of expansive clays are possible methods to mitigate the expansion potential.

The report which follows describes our investigation, summarizes our findings, and presents our recommendations suitable for planning and preliminary design. It is important that we provide consultation during design, and field services during construction to review and monitor the implementation of the geotechnical recommendations.

If you have any questions regarding this report, please contact us.

Sincerely,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.



Jordy Z. Adamson, Jr., P.E.

Rev. by: DEH

JZA/ksw

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PURPOSE AND SCOPE OF STUDY

This report presents the results of a preliminary subsoil study for a proposed four lot subdivision to be located to the north of County Road 259, northeast of Rifle, in Garfield County, Colorado. The project site is shown on Fig. 1. The purpose of the study was to evaluate the subsurface conditions and their potential impact on the project. The study was conducted in accordance with our agreement for geotechnical engineering services to Terri Patrick, dated August 22, 2000. Hepworth - Pawlak Geotechnical, Inc., previously conducted a gamma radiation survey of the subject site and presented our findings in a letter dated June 9, 2000, Job No. 100 442.

A field exploration program consisting of exploratory borings was conducted to obtain information on the subsurface conditions. Samples of the subsoils obtained during the field exploration were tested in the laboratory to determine their classification, compressibility or swell and other engineering characteristics. The results of the field exploration and laboratory testing were analyzed to develop recommendations for project planning and preliminary design. This report summarizes the data obtained during this study and presents our conclusions and recommendations based on the proposed development and subsurface conditions encountered.

PROPOSED DEVELOPMENT

The proposed development will consist of a four lot subdivision as shown on Fig. 1. Single family residences will be constructed on each lot. The structures will likely be one and two story wood frame structures over crawlspaces or with basement levels. The development will consist of single family homes. The development will be serviced with individual wells and septic disposal systems.

If development plans change significantly from those described, we should be notified to re-evaluate the recommendations presented in this report.

SITE CONDITIONS

The proposed development consists of about 36 acres located at the north end of County Road 259 in Garfield County, Colorado. An existing single story manufactured

- 2 -

residence is located in the western portion of Lot 4. The ground surface on the property is gently rolling with variable slopes from about 2% downhill to the south in the west central portion to 20% down to the north, south and west in Lot 1. An irrigation ditch meanders through the property as shown on Fig. 1. The property vegetation is dominated by sagebrush, grass and weeds with a few cottonwood trees along the ditch.

FIELD EXPLORATION

The field exploration for the project was conducted on September 8, 2000. Two exploratory borings were drilled at the locations shown on Fig. 1 to evaluate the subsurface conditions. Access to the proposed building location on Lot 2 was not possible due to the steep sided irrigation ditch. The borings were advanced with 4 inch diameter continuous flight auger powered by a truck-mounted Longyear BK-51HD drill rig. The borings were logged by a representative of Hepworth-Pawlak Geotechnical, Inc.

Samples of the subsoils were taken with a 2 inch I.D. spoon sampler. The sampler was driven into the subsoils at various depths with blows from a 140 pound hammer falling 30 inches. This test is similar to the standard penetration test described by ASTM Method D-1586. The penetration resistance values are an indication of the relative density or consistency of the subsoils and hardness of the bedrock. Depths at which the samples were taken and the penetration resistance values are shown on the Logs of Exploratory Borings, Fig. 2. The samples were returned to our laboratory for review by the project engineer and testing.

SUBSURFACE CONDITIONS

Graphic logs of the subsurface conditions encountered at the site are shown on Fig. 2. The subsoils consist of about ½ foot of topsoil and 5½ to 9½ feet of stiff to hard slightly sandy to sandy silty clay overlying stiff to very stiff and medium dense to dense clay and sand. Hard sandstone bedrock was encountered beneath the sand at depths of 12 and 36 feet in Borings 1 and 2, respectively.

- 3 -

Laboratory testing performed on samples obtained from the borings included natural moisture content and density, Atterberg limits and finer than sand size gradation analyses. Results of swell-consolidation testing performed on relatively undisturbed drive samples of the clay soils, presented on Figs. 4 and 5, generally indicate low compressibility under existing moisture conditions and light loading and a low to high expansion potential when wetted under a constant light surcharge. The sample from Boring 1 at 5 feet had no expansion. The laboratory testing is summarized in Table I.

No free water was encountered in the borings at the time of drilling and the subsoils and bedrock materials were slightly moist to moist.

PRELIMINARY DESIGN RECOMMENDATIONS

It should be feasible to develop the project based on geotechnical considerations. The conclusions and recommendations presented below are based on the proposed development, subsurface conditions encountered in the exploratory borings, and our experience in the area. The recommendations are suitable for planning and preliminary design but site specific studies should be conducted for individual lot development.

FOUNDATIONS

Bearing conditions will vary depending on the specific location of the building on the property. Spread footings bearing on the natural clay and silt subsoils appear suitable with some risk of settlement/heave due to loading and wetting of the bearing soils. We expect the footings can be sized for an allowable bearing pressure in the range of 1,500 psf to 2,500 psf. Expansive clays encountered in building areas may need to be removed or the footings designed to impose a minimum dead load pressure to limit potential heave. Based on the expansion potential encountered, drilled or driven piles may be needed to limit or prevent heave and distress to the buildings. Foundation walls should be designed to span local anomalies and to resist lateral earth loadings when acting as retaining structures. Below grade areas and retaining walls should be protected from wetting and hydrostatic loading by use of an underdrain system. The footings should have a minimum depth of 36 inches for frost protection.

- 4 -

FLOOR SLABS

Slab-on-grade construction should be feasible for bearing on the natural soils. There could be some post construction slab movement at sites with collapsible matrix or expansive clays. A positive way to reduce the risk of slab movement, which is commonly used, is to construct structurally supported floors over a crawlspace. To reduce the effects of some differential movement, floor slabs should be separated from all bearing walls and columns with expansion joints. Floor slab control joints should be used to reduce damage due to shrinkage cracking. A minimum 4 inch thick layer of free-draining gravel should underlie basement level slabs to facilitate drainage.

UNDERDRAIN SYSTEM

Although free water was not encountered in the exploratory borings, it has been our experience in the area and where there are stiff clays that local perched groundwater can develop during times of heavy precipitation or seasonal runoff. An underdrain system should be provided to protect below-grade construction, such as retaining walls and basement areas from wetting and hydrostatic pressure buildup. The drains should consist of drainpipe surrounded above the invert level with free-draining granular material. The drain should be placed at each level of excavation and at least 1 foot below lowest adjacent finish grade and sloped at a minimum 1% to a suitable gravity outlet.

SURFACE DRAINAGE

The grading plan for the subdivision should consider runoff from steep uphill slopes through the project and at individual sites. Water should not be allowed to pond which could impact foundations. To limit infiltration into the bearing soils next to buildings, exterior backfill should be well compacted and have a positive slope away from the building for a distance of 10 feet. Roof downspouts and drains should discharge well beyond the limits of all backfill and landscape irrigation should be restricted.

- 5 -

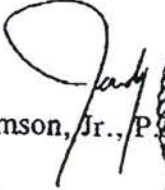
LIMITATIONS

This study has been conducted according to generally accepted geotechnical engineering principles and practices in this area at this time. We make no warranty either expressed or implied. The conclusions and recommendations submitted in this report are based upon the data obtained from the exploratory borings located as shown on Fig. 1, the proposed type of construction and our experience in the area. Our findings include interpolation and extrapolation of the subsurface conditions identified at the exploratory borings and variations in the subsurface conditions may not become evident until excavation is performed. If conditions encountered during construction appear different from those described in this report, we should be notified so that re-evaluation of the recommendations may be made.


This report has been prepared for the exclusive use by our client for planning and preliminary design purposes. We are not responsible for technical interpretations by others of our information. As the project evolves, we should provide continued consultation, conduct additional evaluations and review and monitor the implementation of our recommendations. Significant design changes may require additional analysis or modifications to the recommendations presented herein. We recommend on-site observation of excavations and foundation bearing strata and testing of structural fill by a representative of the geotechnical engineer.

Sincerely,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.


Jordy Z. Adamson, Jr., P.E.

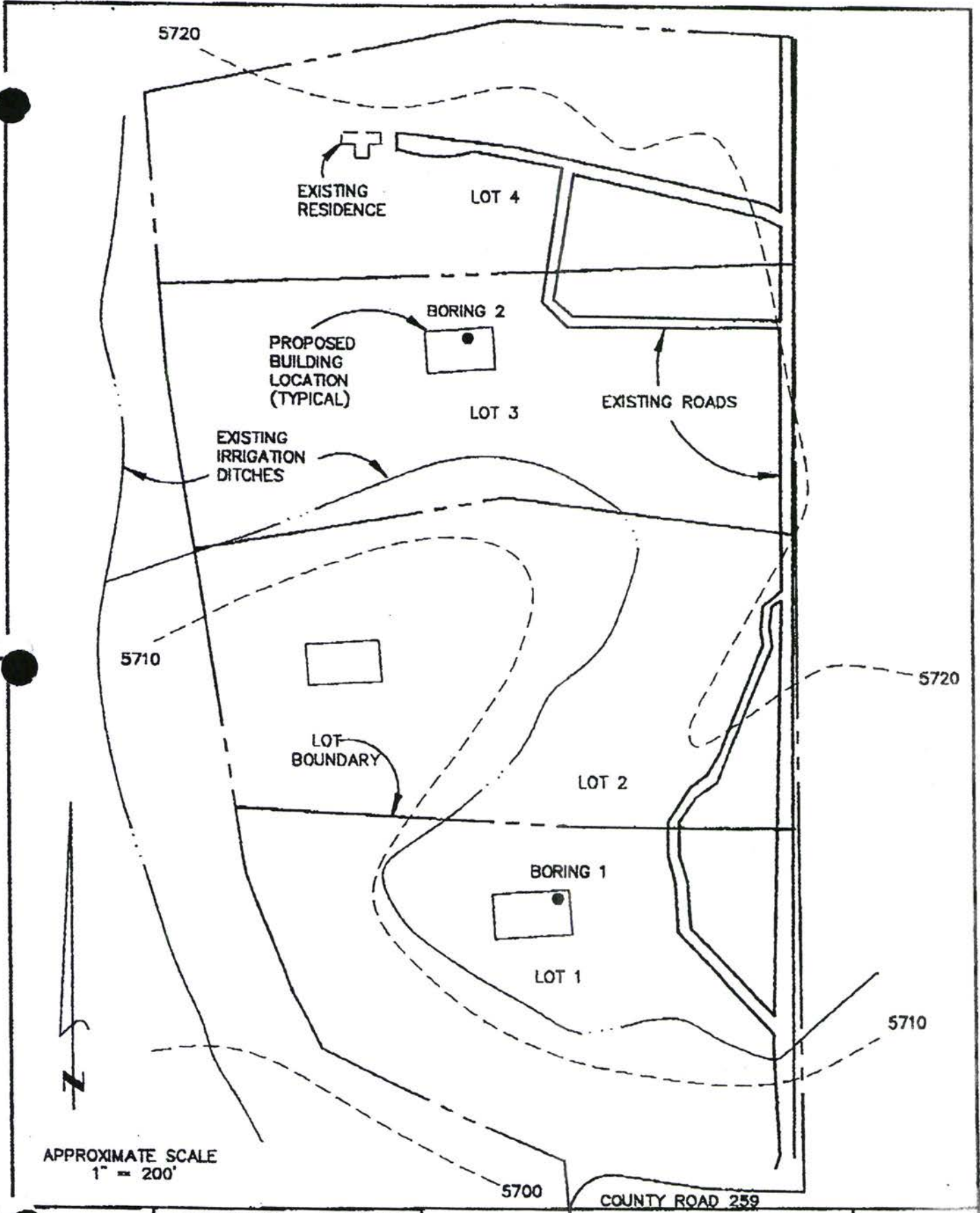
Reviewed by:


Daniel E. Hardin, P.E.

JZA/ksw

cc: High Country Engineering - Attn: Joe Hope



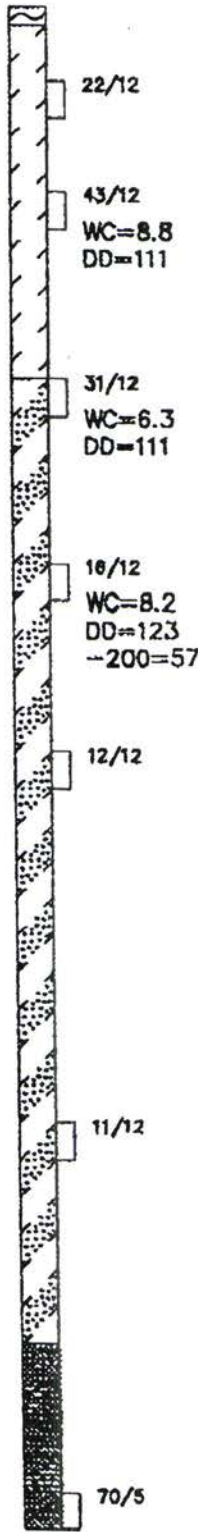
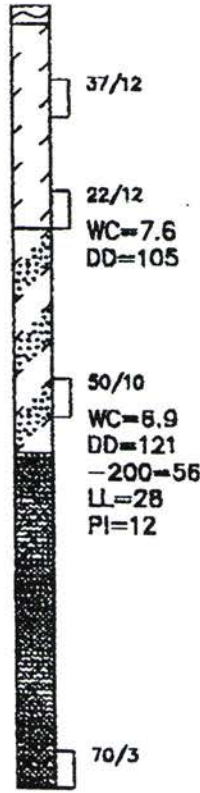


APPROXIMATE SCALE
1" = 200'

100 442	HEPWORTH - PAWLAK GEOTECHNICAL, INC.	LOCATION OF EXPLORATORY BORINGS	Fig. 1
---------	---	---------------------------------	--------

BORING 1
ELEV. = 5711'

BORING 2
ELEV. = 5706'



Note: Explanation of symbols is shown on Fig. 3.

LEGEND:



TOPSOIL; sandy silty clay, organic, firm, slightly moist, dark brown.



CLAY (CL); silty, slightly sandy to sandy, very stiff to hard, light brown.



CLAY AND SAND (CL-SC); silty sand layers, medium dense to dense, slightly moist to moist, brown, stratified.



SANDSTONE BEDROCK; weathered and medium hard to hard, slightly moist, brown.

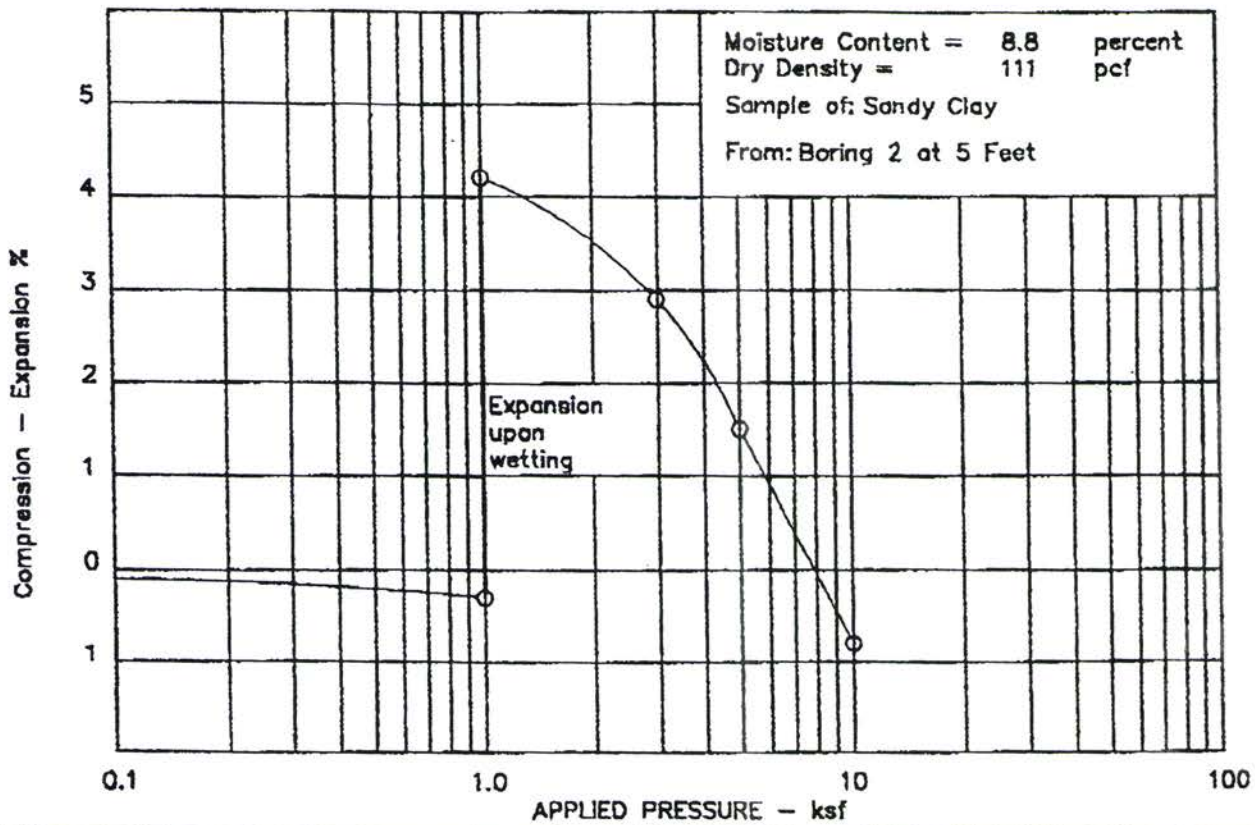
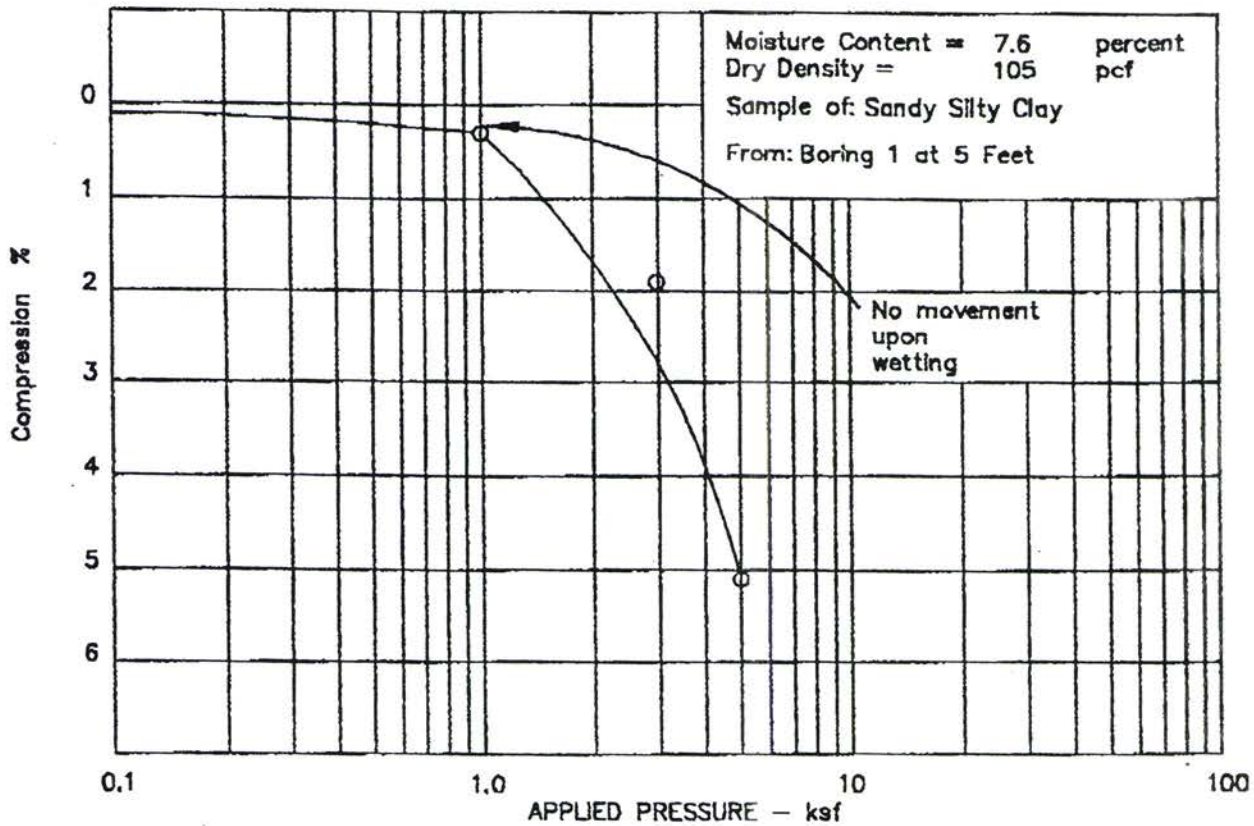


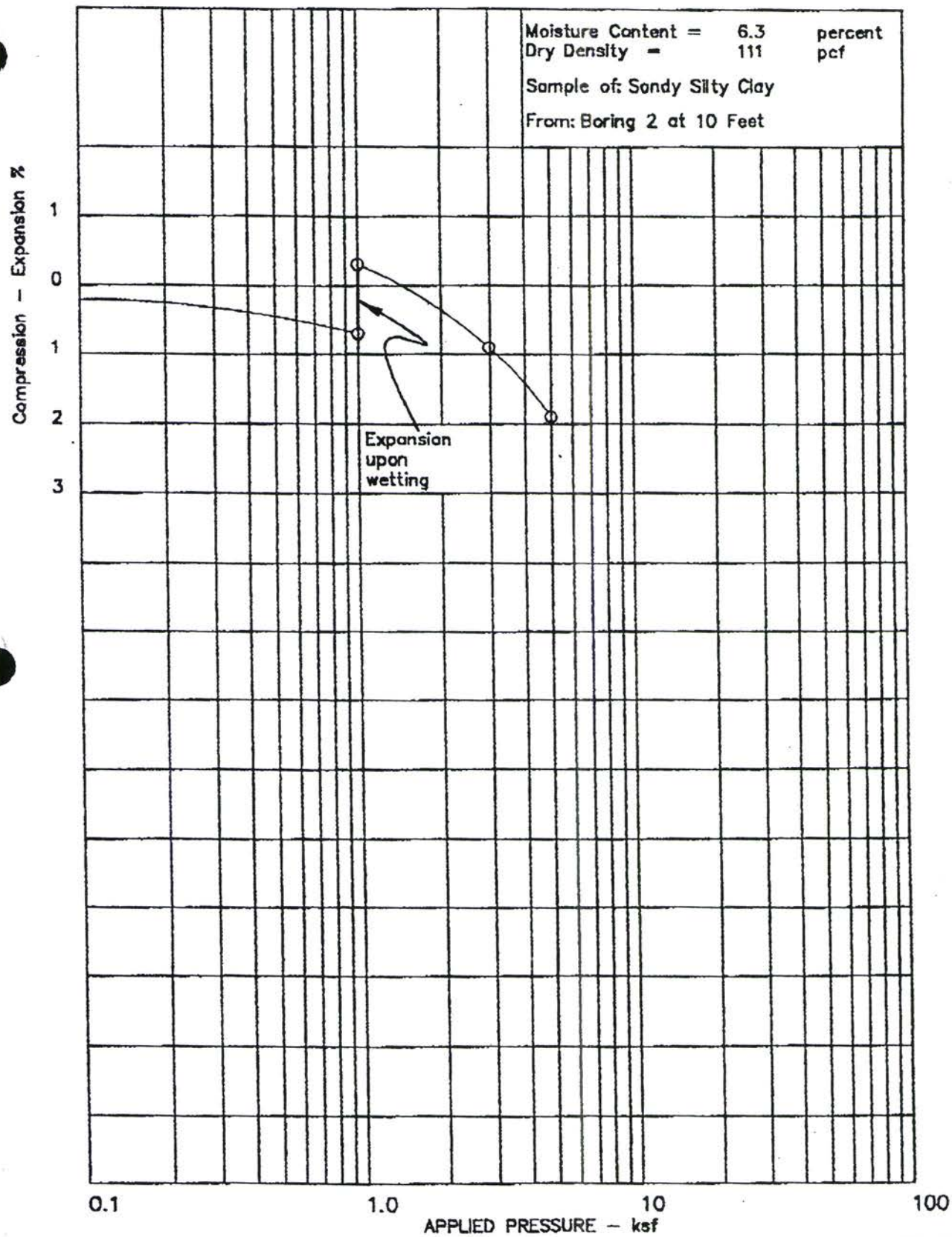
Relatively undisturbed drive sample; 2-inch I.D. California liner sample.

37/12 Drive sample blow count; indicates that 37 blows of a 140-pound hammer falling 30 inches were required to drive the California sampler 12 inches.

NOTES:

1. Exploratory borings were drilled on September 8, 2000 with a 4-inch diameter continuous flight power auger.
2. Locations of exploratory borings were measured approximately by pacing from features shown on the site plan provided.
3. Elevations of exploratory borings were obtained by interpolation between contours on the site plan provided. Logs are drawn to depth.
4. The exploratory boring locations and elevations should be considered accurate only to the degree implied by the method used.
5. The lines between materials shown on the exploratory boring logs represent the approximate boundaries between material types and transitions may be gradual.
6. Water level readings shown on the logs were made at the time and under the conditions indicated. Fluctuation in water level may occur with time.
6. No free water was encountered in the borings at the time of drilling. Fluctuation in water level may occur with time.
7. Laboratory Testing Results:
 - WC = Water Content (%)
 - DD = Dry Density (pcf)
 - 200 = Percent passing No. 200 sieve.
 - LL = Liquid Limit (%)
 - PI = Plasticity Index (%)







Colorado Department
of Public Health
and Environment

Laboratory Services Division
8100 Lowry Boulevard, Denver CO 80230-6928
US Mail: PO Box 17123, Denver CO 80217
(303) 692-3090 fax (303) 344-9989

Lab ID No. MSA-2006002156

SAMPLE SITE **SAMPLE INFORMATION**

Terry Patrick

S. Well

Collected 10/20/2006 2:02:00P
Received 10/19/2006 1:45:55PM
Reported 10/23/2006

Collected By Matrix Drinking Water

CUSTOMER **COMMENTS**

J and M Pump Inc
8611 117 Road

Glenwood Springs, CO 81601

Contact Name
Contact Phone

Purpose Routine Chlorine residual Payment Type Billed

Test Name	Result	Method Name
Escherichia coli PA	E. coli not detected	
Total coliforms PA	Coliform absent or less than one (<1), indicates a microbiologically safe sample	SM 9223



Colorado Department
of Public Health
and Environment

Laboratory Services Division
8100 Lowry Boulevard, Denver CO 80230-6928
US Mail: PO Box 17123, Denver CO 80217
(303) 692-3090 fax (303) 344-9989

Lab ID No. MSA-2006002157

SAMPLE SITE

SAMPLE INFORMATION

Terry Patrick

N. Well

Collected 10/19/2006 1:30:00P
Received 10/20/2006 2:01:55PM
Reported 10/23/2006
Collected By Matrix Drinking Water

CUSTOMER

COMMENTS

J and M Pump Inc
8611 117 Road

Glenwood Springs, CO 81601

Contact Name
Contact Phone

Purpose Routine Chlorine residual Payment Type Billed

Test Name	Result	Method Name
Escherichia coli PA	E. coli not detected	
Total coliforms PA	Coliform absent or less than one (<1), indicates a microbiologically safe sample	SM 9223

RADIATION HAZARD REPORT



Hepworth-Pawlak Geotechnical, Inc.
5020 County Road 154
Glenwood Springs, Colorado 81601
Phone: 970-945-7988

Fax: 970-945-8454
hpgeo@hpgeotech.com

June 9, 2000

Terri Patrick
P.O. Box 561
Rifle, Colorado 81650

Job No. 100 442

Subject: Gamma Radiation Survey, Proposed 4 Lot Subdivision, North of County Road 259, Garfield County, Colorado.

Dear Ms. Patrick:

As requested, we have performed a radiation survey at the subject site. The findings and conclusions of our work are presented in this report. The study was conducted in accordance with our agreement for professional services to you, dated May 18, 2000.

Proposed Development: We understand that a 4 lot residential subdivision is proposed on the property. The property covers about 36 acres. Single family residences will be constructed on each lot. The structures will likely be one and two story wood frame structures over crawlspaces or basement levels.

Site Conditions: The area of the proposed development is located at the north end of County Road 259 in Garfield County, Colorado. An irrigation ditch crosses through the property. The property is dominated by sagebrush with a few cottonwood trees along the ditch. The ground surface is gently rolling with slopes up to about 5%. Existing residences are located in the northwest corner and southern portions of the property.

Radiation Survey: A gamma radiation survey was conducted in the development area on May 30 and 31 and June 3, 2000. Gamma radiation measurements were taken on about 200 foot spacings using a Ludlum Model 3 survey meter and Ludlum Model 44-9 detector. The readings were taken about 2½ feet above the ground surface. The survey points and readings are summarized on Fig. 1. The 56 readings ranged from 0.015 to 0.03 millirems per hour with an average of about 0.022 millirems per hour.

Background readings at the south end of County Road 259 were 0.025 millirems per hour.

Terri Patrick
June 9, 2000
Page 2

Conclusions: The gamma radiation readings taken at the subject site appear to be within normal background levels in the area. No mitigation of the radiation should be required.

If there are any questions or if we may be of further assistance, please let us know.

Sincerely,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.

Jordy Z. Adamson, Jr.

Rev. by: SLP

JZA/ksm

attachment

cc: High Country Engineering - Attn: Dan Dennison



APPROXIMATE SCALE
1" = 250'



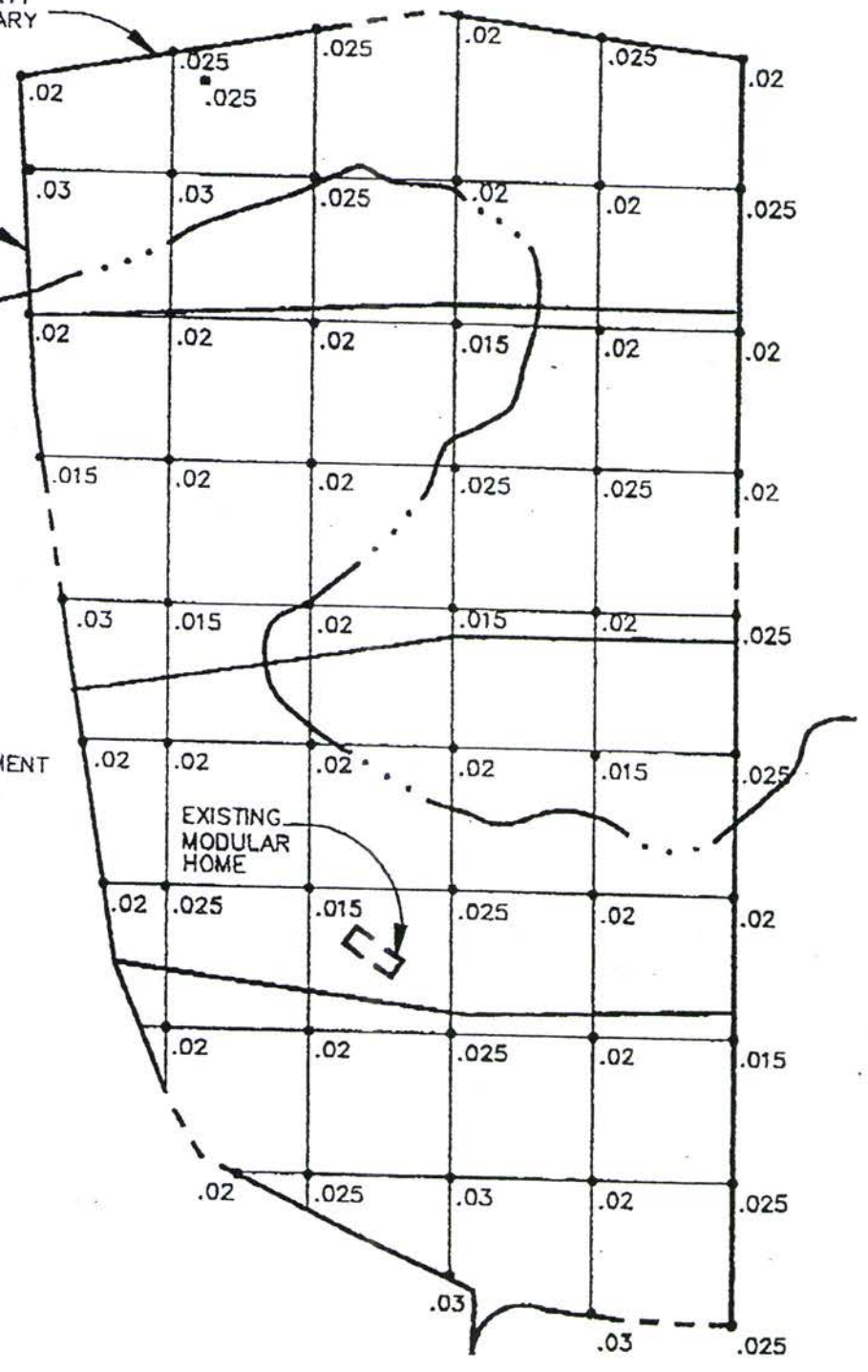
PROPERTY
BOUNDARY

DITCH

LEGEND

• .025 RADIATION MEASUREMENT
MILLIREMS PER HOUR

EXISTING
MODULAR
HOME



COUNTY ROAD 259

100 442

HEPWORTH - PAWLAK
GEOTECHNICAL, INC.

RADIATION SURVEY POINTS

Fig. 1

WELL PERMITS

WELL #1

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1382

WELL PERMIT NUMBER 210911 - A
DIV. 5 WD 39 DES. BASIN MD

APPLICANT

TERRI PATRICK
1175 COUNTY ROAD 259
RIFLE, CO 81650-

(970) 625-2834

APPROVED WELL LOCATION

GARFIELD COUNTY
NE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

1380 Ft. from South Section Line
235 Ft. from East Section Line

UTM COORDINATES

Northing: Easting:

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(c) for the relocation of an existing well, permit no. 210911. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety (90) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) Approved as the only well on a tract of land of 36.44 acres described as that portion of the NE 1/4 of the SE 1/4, Sec. 28, Twp. 5 South, Rng. 92 West, 6th P.M., Garfield County, more particularly described on the attached exhibit A. Further identified as 1175 County Road 259, Rifle, CO 81650.
- 5) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the irrigation of not more than one (1) acre of home gardens and lawns, and the watering of domestic animals.
- 6) The maximum pumping rate of this well shall not exceed 15 GPM.
- 7) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 8) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: Parcel Identification Number (PIN): 23-2127-284-00-286

NOTE: Assessor Tax Schedule Number: R211013

D m n
02/19/2003

APPROVED
DWW

Hel D. Simpson
State Engineer

Dyett M. Whitehead
By

Receipt No. 9501393

DATE ISSUED 02-19-2003

EXPIRATION DATE 02-19-2005

WELL #2

Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1095

WELL PERMIT NUMBER		61931	-F	-
DIV. 5	WD 39	DES. BASIN	MD	

APPLICANT

TERRI PATRICK
117 COUNTY ROAD 259
RIFLE, CO 81650-

APPROVED WELL LOCATION

GARFIELD COUNTY
SE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

Ft. from	Section Line
Ft. from	Section Line

UTM COORDINATES (NAD83)

Easting:	Northing:
----------	-----------

(970) 625-2534

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2) for the construction of a well, appropriating ground water tributary to the Colorado River, as an alternate point of diversion to the Avalanche Canal and Siphon, on the condition that the well shall be operated only when the West Divide Water Conservancy District's substitute water supply plan, approved by the State Engineer, is in effect, and when a water allotment contract between the well owner and the West Divide Water Conservancy District for the release of replacement water from Ruedi Reservoir is in effect or under an approved plan for augmentation. WDWCD contract #020320SHS(a).
- 4) The use of ground water from this well is limited to ordinary household purposes inside one (1) single family dwelling and one (1) accessory dwelling unit and the irrigation of not more than 2,500 square feet of home gardens and lawns. All use of this well will be curtailed unless the water allotment contract or a plan for augmentation is in effect. This well is known as Silt Heights Well no. 4.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The average annual amount of ground water to be appropriated by this well, in combination with the three other wells for Silt Heights Subdivision, shall not exceed 4.57 acre-feet.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 9) Pursuant to Rule 6.2.3 of the Water Well Construction Rules, the well construction contractor shall submit the as-built well location on work reports required by Rule 17.3 within 60 days of completion of the well. The measured location must be accurate to 200 feet of the actual location. The location information must include either the 1/4, 1/4, Section, Township, Range, and distances from section lines, or a GPS location pursuant to the Division of Water Resources' guidelines.

NOTE: Expired permit no. 57749-F was previously issued for this lot.
 NOTE: Parcel Identification Number (PIN): 23-2127-284-00-286
 NOTE: Assessor Tax Schedule Number: R211013 (totaling 36.44 acres)

J n n
11/02/2004

APPROVED
DMW

Neil A. Simpson

State Engineer

By: Dwight M. Whitehead

By

Receipt No. 96010860

DATE ISSUED 11-02-2004

EXPIRATION DATE 11-02-2005

WELL #3

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1095

WELL PERMIT NUMBER 65135 -F -
DIV. 5 WD 39 DES. BASIN MD

APPLICANT

TERRI PATRICK
6605 S ARBUTUS CIRCLE # 1326
LITTLETON, CO 80127-

(970) 618-1488

APPROVED WELL LOCATION
GARFIELD COUNTY
SE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES
905 Ft. from South Section Line
295 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)
Easting: Northing:

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2), for the use of an existing well constructed under permit no. 61930-F (expired), appropriating ground water tributary to the Colorado River, as an alternate point of diversion to the Avalanche Canal and Siphon, on the condition that the well shall be operated only when the West Divide Water Conservancy District's substitute water supply plan, approved by the State Engineer, is in effect, and when a water allotment contract between the well owner and the West Divide Water Conservancy District for the release of replacement water from Ruadi Reservoir is in effect, or under an approved plan for augmentation. WDWCD contract #020328SHS(a).
- 4) The use of ground water from this well is limited to ordinary household purposes inside two (2) single family dwellings and the irrigation of not more than 2,500 square feet of home gardens and lawns. All use of this well will be curtailed unless the water allotment contract or a plan for augmentation is in effect. This well is known as WELL #3.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The average annual amount of ground water to be appropriated by this well, in combination with the three other wells for Silt Heights Subdivision, shall not exceed 4.57 acre-feet.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) This well must be located not more than 200 feet from the location specified on this permit.
- 9) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request. *12/4/06*

APPROVED
JSG

Shari Neuroth
State Engineer

[Signature]
By

Receipt No. 3810882B

DATE ISSUED 12-04-2006

EXPIRATION DATE 12-04-2007

Received Time Aug. 6, 4:27PM

WELL #4

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXST

WELL PERMIT NUMBER 65259 -F -
DIV. 5 WD 39 DES BASIN MD

APPLICANT

TERRI PATRICK
6605 S ARBUTUS CIRCLE # 1326
LITTLETON, CO 80127-

(970) 618-1488

APPROVED WELL LOCATION

GARFIELD COUNTY
SE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

775 Ft. from South Section Line
200 Ft from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2), to use an existing well constructed under permit no. 61929-F (expired), appropriating ground water tributary to the Colorado River, as an alternate point of diversion to the Avalanche Canal and Siphon, on the condition that the well shall be operated only when the West Divide Water Conservancy District's substitute water supply plan, approved by the State Engineer, is in effect, and when a water allotment contract between the well owner and the West Divide Water Conservancy District for the release of replacement water from Ruedi Reservoir is in effect, or under an approved plan for augmentation. WDWCD contract #020328SHS(a).
- 4) The use of ground water from this well is limited to ordinary household purposes inside two (2) single family dwellings and the irrigation of not more than 2,500 square feet of home gardens and lawns. All use of this well will be curtailed unless the water allotment contract or a plan for augmentation is in effect. This well is known as WELL #2.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The average annual amount of ground water to be appropriated by this well, in combination with the three other wells for Silt Heights Subdivision, shall not exceed 4.57 acre-feet.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 9) The well must be located not more than 200 feet from the location specified on this permit. *To 1/10/07*

APPROVED
JSG

Hal D. Simpson
State Engineer

[Signature]
By

Receipt No. 3610882A

DATE ISSUED 01-10-2007

EXPIRATION DATE 01-10-2008

Received Time Aug. 6. 4:27PM

P.O. Box 1908
1005 Cooper Ave.
Glenwood Springs,
CO 81602



(970) 945-5700
(970) 945-1253 Fax

September 1, 2005

Mr. Mark Bean
Garfield County Planning Department
108 Eighth Street, Suite 201
Glenwood Springs, CO 81601

RE: Silt Heights Subdivision

Dear Mark:

This report presents the findings of the water supply investigations performed by Zancanella and Associates, Inc. for the proposed Silt Heights Subdivision. Information contained in this report covers estimated future domestic water uses, the West Divide Water Conservancy District contract, well pump tests, and water quality analyses.

Water Requirements

Table 1, attached, presents the diversions and consumptive use for the proposed Silt Heights Subdivision. The new subdivision will consist of 4 lots with 4 ADUs for a total of 8 units. We have assumed that each EQR will represent 3.5 people using 100 gallons of water per person per day. Water will be diverted to irrigate up to 2500 square feet of lawn or other equivalent outside uses at each residence and each ADU. The subdivision is to be served by individual wells, one for each lot.

Legal Supply

As can be seen from Table 1, the subdivision will divert an average 4.75 AF annually, and consumptively use 1.55 AF, with transit losses included. The peak month of June would require a continuous average diversion of 4.9 gpm. A West Divide District Water Conservancy District contract for 1.55 acre feet, which includes transit losses, has been obtained. A copy of the contract, #020328SHS(a), is attached.

Silt Heights Well #1 was drilled under permit number 210911-A (copy attached). This is an exempt domestic permit, intended to serve a maximum of three residences and to be the only well on the 36.44 acre tract. All wells serving the subdivision will need to be permitted as fee wells prior to use by the subdivision. Silt Heights Well #2 was drilled under permit number 61931-F, a fee well permit. A copy of this permit is also attached.

Physical Supply – Well #1

Silt Heights Well #1 was completed on April 10, 2003 by Shelton Drilling Corporation at a total depth of 85 feet. The well is located in the NE 1/4 of the SE 1/4 of Section 28, Township 5 South, Range 92 West of the 6th P.M. The location of the well, taken from the well permit, can be plotted 1380 feet from the south section line and 235 feet from the east

section line. The approximate locations of both of the Silt Heights wells and the Subdivision boundary are shown on the attached general location map, Figure 1. Both wells were drilled entirely within the Tertiary Wasatch Formation and its weathered remnants. A copy of the well construction report and a graphical representation of the well (Figure 2) are attached.

A 4.5 hour pump test of the Silt Heights Well #1 was conducted on April 14, 2003 by Samuelson Pump Company utilizing the electric submersible pump. The static water level in the well prior to the test stood at 45.3 feet below the top of the casing. The pump was set at 80 feet, giving the well 34.7 (80 minus 45.3) feet of available drawdown. The pump test was performed at an initial rate of 1.7 gallons per minute (gpm). The rate was increased to 5 gpm at 50 minutes into the test, and then to 7.5 gpm at 90 minutes from the commencement of pumping. The rate was then held at the 7.5 gpm rate throughout the remainder of the test, except for the last 20 minutes of the test, when it was lowered to 6.7 gpm. The well was pumped continuously for a 4 hour and 30 minute period at these varying rates. The drawdown and time data collected during the test are presented in Table 2. We have plotted the results of the test in a water level vs. time curve as shown on the attached Figure 3. The maximum drawdown during the 4.5-hour test was approximately 6.8 feet. The water level showed continuous drawdown with time.

Recovery data for the well following the pump test were collected for a 60 minute period after the pumping stopped. The recovery data are listed in the lower portion of Table 2. The recovery plotted as residual drawdown is shown in Figure 4. Based on the residual drawdown curve, the well displayed normal recovery characteristics. The test indicates that the well will probably be able to operate for extended periods at a rate of approximately 5 gpm.

Physical Supply – Well #2

Silt Height Well #2 was completed on March 9, 2005, also by Shelton Drilling Corporation. The well reached a total depth of 130 feet. The location of the well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T5S, R92W of the 6th P. M. The permitted location of the well is 1200 feet from the south line and 440 feet from the east line of said Section 28. Copies of the well construction report and a sketch of the well detail (Figure 5) are attached.

Samuelson Pump Company completed a 4 hour pump test of Well #2 on April 5, 2005. This well had a static water level of 36.1 feet prior to pumping. The pump was set at 100 feet, giving an available drawdown of 63.9 (100 minus 36.1) feet. The data collected during the test and subsequent recovery period are shown in Table 3. The test began at a pumping rate of 1.8 gpm and incrementally increased to 3 gpm as the test progressed. The well was pumped continuously for the four hour period. Maximum drawdown during the test was 5.56 feet. The water level appeared to have stabilized by the end of the pumping period. A graph of the water level versus time is plotted in Figure 6.

Recovery data were collected for a period of 6 minutes after pumping ceased. The data are shown in the lower portion of Table 3. The graph in Figure 7 shows the recovery data as residual drawdown. From the recovery data it appears that Well #2 recovered normally. The test data indicate that the well should be able to pump water at the test rate of 3 gpm for extended periods.

Based on the pumping tests from both wells, with water storage to handle peak demands, the two wells should be adequate to serve two of the single family lots with an ADU each. It may be necessary to limit irrigation withdrawals during extended drought periods. We would suggest that an alternate outside irrigation source be developed, if possible. It will be necessary to drill and test two additional wells by final plant. This data shows that it is reasonable to assume that two additional wells will be obtained.

Water Quality

Water samples were collected during the two pump tests and sent to Grand Junction Laboratories for independent analyses. The lab tests included analyses for various inorganic chemicals, nitrate/nitrite, total dissolved solids (TDS) and some of the physical properties of the water. A total coliform bacteria sample from the Well #1 test was collected and sent to the Snowmass Water and Sanitation lab for analysis. The total coliform test from Well #2 was analyzed by Grand Junction Labs.


The results of the analyses are attached. The coliform bacteria tests indicate that coliform bacteria were absent from both samples. Results of the analyses from Grand Junction Labs for the Well #1 water indicate that the water is above the Maximum Contaminant Level for selenium and turbidity. The water is also above the recommended levels (EPA's National Secondary Drinking Water Regulations) for sodium, chloride, sulfate, total dissolved solids, iron and fluoride. Although the analytical results from Well #2 showed that it may have somewhat better water quality than Well #1, the level of dissolved solids is still quite high. Treatment of the water will be necessary prior to human consumption.

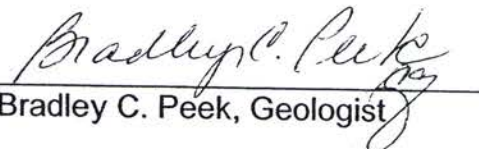
Processing of the water by filtration and reverse osmosis (RO) would remove most of these contaminants, however RO is only about 50 percent efficient and would place additional demands on the water supply wells and the septic systems. The septic systems would need to be designed to handle the reject water from the RO system as well as normal household wastes. If water softening is used, the additional salt load should also be considered in the leach field design.

If you have any questions, please call our office at (970) 945-5700.

Very truly yours,

Zancanella and Associates, Inc.


Thomas A. Zancanella, P.E.


Bradley C. Peek, Geologist

cc: Dan Dennison, High Country Engineering
Terri Patrick

Attachments

Z:\21000\21836 Silt Heights\Bean-WaterSupply-Rev.doc

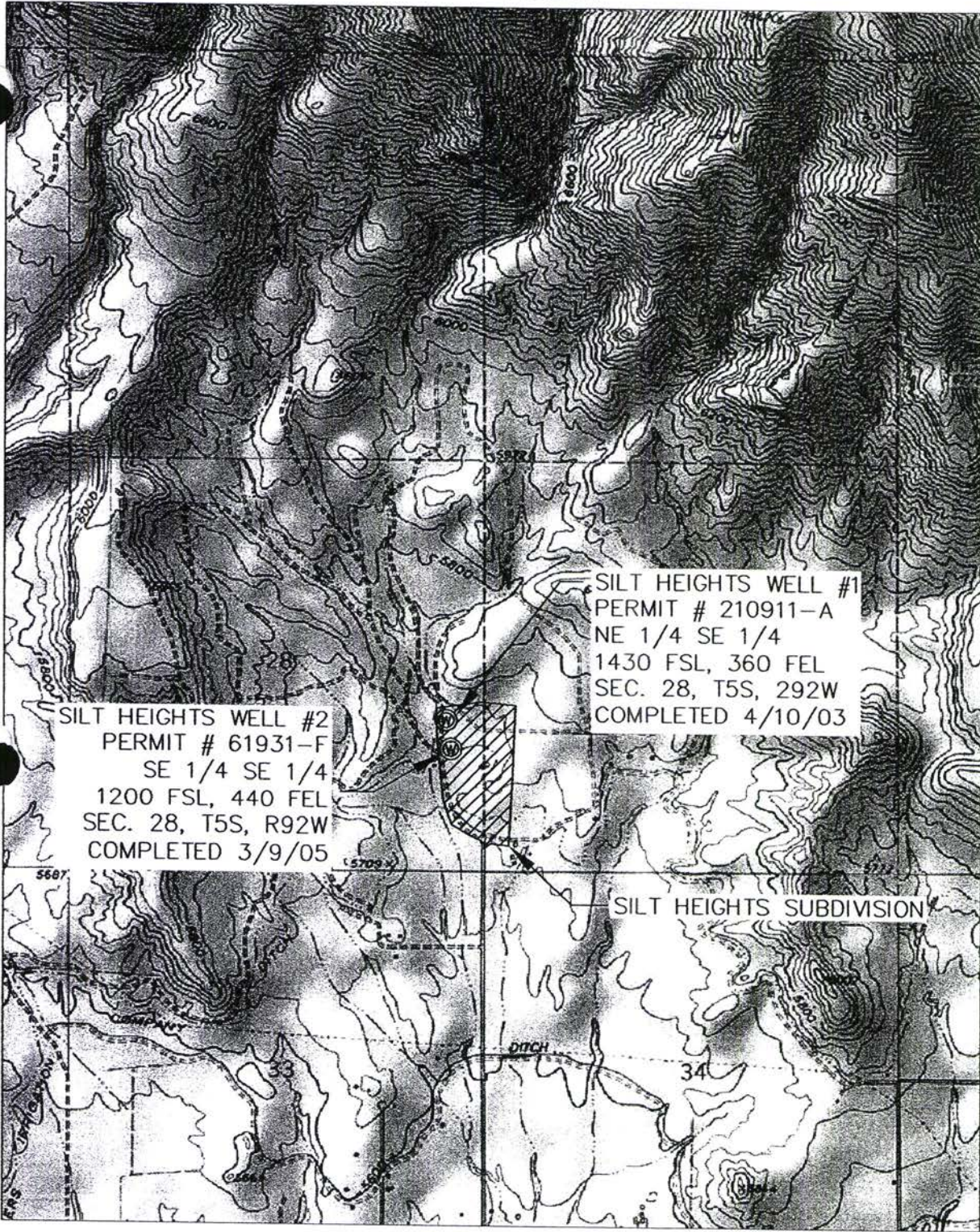
Table 1
Silt Heights Subdivision 4 Lots, 4 ADUs
Estimated Water Requirements

Domestic Demands			Commercial Demands			Other Demands		
# of Residences	8.0 units		# of Commercial Units	0.0		Pond Surface Area	0 acres	
# persons/residence	3.5 cap/unit		# persons/unit	0.0		Annual Net Evaporation	2.74 ft	
# gallons/person/day	100 gpcd		# gallons/person/day	100 gpcd		Livestock	0 units	
Percent Consumed	10%		Percent Consumed	10%		Livestock Consumption	15 gpcd	
Lawn Irrigation	2500 sq-ft/lot		Lawn Irrigation	0 sq-ft/unit		Irrigated Open Space	0 acres	
Application Efficiency	70%		Application Efficiency	70%		Application Efficiency	70%	
Crop Irrig reqmnt (CIR)	2.17 ft		Crop Irrig reqmnt (CIR)	2.17 ft		Crop Irrig reqmnt (CIR)	2.17 ft	

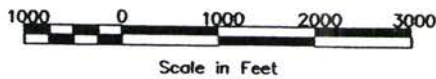
Water Use Calculations

Month	Diversions Requirements							Consumptive Use						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	Domestic In-house (ac-ft)	Commercial In-house (ac-ft)	DomComm Irrigation (ac-ft)	Pond Evap. (ac-ft)	Live- stock (ac-ft)	Total (ac-ft)	Average Flow (gpm)	Domestic In-house (ac-ft)	Commercial In-house (ac-ft)	DomComm Irrigation (ac-ft)	Pond Evap. (ac-ft)	Live- stock (ac-ft)	Total (ac-ft)	With Transit Loss (ac-ft)
January	0.27	0.00	0.00	0.00	0.00	0.27	1.9	0.03	0.00	0.00	0.00	0.00	0.03	0.03
February	0.24	0.00	0.00	0.00	0.00	0.24	1.9	0.02	0.00	0.00	0.00	0.00	0.02	0.02
March	0.27	0.00	0.00	0.00	0.00	0.27	1.9	0.03	0.00	0.00	0.00	0.00	0.03	0.03
April	0.26	0.00	0.04	0.00	0.00	0.30	2.3	0.03	0.00	0.03	0.00	0.00	0.06	0.07
May	0.27	0.00	0.32	0.00	0.00	0.58	4.3	0.03	0.00	0.22	0.00	0.00	0.25	0.26
June	0.26	0.00	0.39	0.00	0.00	0.65	4.9	0.03	0.00	0.27	0.00	0.00	0.30	0.32
July	0.27	0.00	0.37	0.00	0.00	0.63	4.6	0.03	0.00	0.26	0.00	0.00	0.28	0.30
August	0.27	0.00	0.26	0.00	0.00	0.53	3.9	0.03	0.00	0.18	0.00	0.00	0.21	0.22
September	0.26	0.00	0.21	0.00	0.00	0.47	3.6	0.03	0.00	0.15	0.00	0.00	0.18	0.19
October	0.27	0.00	0.01	0.00	0.00	0.28	2.0	0.03	0.00	0.01	0.00	0.00	0.04	0.05
November	0.26	0.00	0.00	0.00	0.00	0.26	1.9	0.03	0.00	0.00	0.00	0.00	0.03	0.03
December	0.27	0.00	0.00	0.00	0.00	0.27	1.9	0.03	0.00	0.00	0.00	0.00	0.03	0.03
Annual	3.17	0.00	1.60	0.00	0.00	4.75	2.93	0.35	0.00	1.12	0.00	0.00	1.46	1.55

R92W



T5S



PROJECT LOCATION MAP

SILT HEIGHTS SUBDIVISION

FIGURE NO.

1

1" = 2000'		DATE: AUG. 31, 2005	SHEET: 1 OF 1
DRAWN BY: BCP	CHKD BY: BCP	APPD BY: TAZ	DRAWING: LocTopo.dwg



ZANCANELLA AND ASSOCIATES, INC.
 ENGINEERING CONSULTANTS
 POST OFFICE BOX 1908 - 1005 COOPER AVENUE
 GLENWOOD SPRINGS, COLORADO 81602 (970) 945-5700

PROJECT: 21836

WEST DIVIDE WATER CONSERVANCY DISTRICT
 WATER ALLOTMENT CONTRACT

Name of Applicant: Silt Heights Subdivision Homeowners Association

Quantity of Water in Acre Feet: 1.55

Applicant, hereby applies to the West Divide Water Conservancy District, a political subdivision of the State of Colorado, organized pursuant to and existing by virtue of C.R.S. 1973, §37-45-101, et seq., (hereinafter referred to as the "District") for an allotment contract to beneficially and perpetually use water or water rights owned, leased, or hereafter acquired by the District. By execution of this Contract and the attached Application, Applicant hereby agrees to the following terms and conditions:

1. Water Rights: Applicant shall own water rights at the point of diversion herein lawfully entitling Applicant to divert water, which will be supplemented and augmented by water leased herein. If Applicant intends to divert through a well, it must be understood by Applicant that no right to divert exists until a valid well permit is obtained from the Colorado Division of Water Resources.

2. Quantity: Water applied for by the Applicant in the amount set forth above shall be diverted at Applicant's point of diversion from the District's direct flow water rights, and when water is unavailable for diversion pursuant to administration by the Colorado State Engineer during periods when said direct flow water right is not in priority, the District shall release for the use of Applicant up to said quantity in acre feet per year of storage water owned or controlled by the District. It is understood that any quantity allotted from direct flow, storage or otherwise, to the Applicant by the District will be limited by the priority of the District's decrees and by the physical and legal availability of water from District's sources. Any quantity allotted will only be provided so long as water is available and the Applicant fully complies with all of the terms and conditions of this Contract. The District and the Applicant recognize that some of the District's decrees may be in the name of the Colorado River Water Conservation District, and the ability of the District to allot direct flow right to the Applicant may be dependent on the consent of the Colorado River Water Conservation District. If at any time the Applicant determines it requires less water than the amount herein provided, Applicant may so notify the District in writing, and the amount of water allotted under this Contract shall be reduced permanently in accordance with such notice. Rates shall be adjusted accordingly in following water years only.

3. Beneficial Use and Location of Beneficial Use: Any and all water allotted Applicant by the District shall be used for the following beneficial use or uses: municipal, domestic and related uses, or commercial (except for commercial use from Alsbury Reservoir and except to the extent that Ruedi Reservoir water may not be available for commercial as that term is defined on Page 5 of Contract No. 2-07-70-WO547 between the United States and the West Divide Water Conservancy District). Applicant's beneficial use of any and all water allotted shall be within or through facilities or upon land owned, leased, operated, or under Applicant's control.

4. Decrees and Delivery: Exchange releases made by the District out of storage from Ruedi Reservoir, Green Mountain Reservoir, Alsbury Reservoir, or other works or facilities of the District, or from other sources available to the District, shall be delivered to the

Applicant at the outlet works of said storage facilities or at the decreed point of diversion for said other sources, and release or delivery of water at such outlet or points shall constitute performance of the District's total obligation. Delivery of water by the District from Ruedi Reservoir or Green Mountain Reservoir shall be subject to the District's lease contracts with the United States Bureau of Reclamation. Releases from other facilities available to District shall be subject to the contracts, laws, rules, and regulations governing releases therefrom. Furthermore, the District hereby expressly reserves the right to store water and to make exchange releases from structures that may be built or controlled by the District in the future, so long as the water service to the Applicant pursuant to this agreement, is not impaired by said action. Any quantity of the Applicant's allocation not delivered to or used by Applicant by the end of each water year (October 1), shall revert to the water supplies of the District. Such reversion shall not entitle Applicant to any refund of payment made for such water.

Water service provided by the District shall be limited to the amount of water available in priority at the original point of diversion of the District's applicable water right, and neither the District, nor those entitled to utilize the District's decrees, may call on any greater amount at new or alternate points of diversion. The District shall request the Colorado Division of Water Resources to estimate any conveyance losses between the original point and any alternate point, and such estimate shall be deducted from this amount in each case.

Water service provided by the District for properties located within the Bluestone and Silt Water Conservancy Districts is provided pursuant to Agreements with said Districts. The Intergovernmental Agreement between the District and the Silt Water Conservancy District, dated January 25, 2001, is recorded as Reception No. 575691, Garfield County Clerk and Recorder's Office. The Intergovernmental Memorandum of Understanding between the District and the Bluestone Water Conservancy District, dated April 26, 2001, is recorded as Reception No. 584840, Garfield County Clerk and Recorder's Office.

5. Alternate Point of Diversion and Plan of Augmentation: Decrees for alternate points of diversion of the District's water rights or storage water may be required in order for Applicant to use the water service contemplated hereunder. Obtaining such decree is the exclusive responsibility of Applicant. The District reserves the right to review and approve any conditions which may be attached to judicial approval of said alternate point of diversion as contemplated or necessary to serve Applicant's facilities or lands. Applicant acknowledges and agrees that it shall be solely responsible for the procedures and legal engineering costs necessary for any changes in water rights contemplated herein, and further agrees to indemnify the District from any costs or losses related thereto. Applicant is solely responsible for providing works and facilities necessary to obtain/divert the waters at said alternate point of diversion and deliver them to Applicant's intended beneficial use. Irrespective of the amount of water actually transferred to the Applicant's point of diversion, the Applicant shall make annual payments to the District based upon the amount of water allotted under this Contract.

In the event the Applicant intends to apply for an alternate point of diversion and to develop an augmentation plan and institute legal proceedings for the approval of such augmentation plan to allow the Applicant to utilize the water allotted to Applicant hereunder, the Applicant shall give the District written notice of such intent. In the event the Applicant develops and adjudicates its own augmentation plan to utilize the water allotted hereunder, Applicant shall not be obligated to pay any amount under Paragraph 19 below. In any event, the District shall have the right to approve or disapprove the Applicant's augmentation plan and the Applicant shall provide the District copies of such plan and of all pleadings and other papers filed with the water court in the adjudication thereof.

6. Contract Payment: Non-refundable, one time administrative charge, in the amount determined by the Board of Directors of the District from time to time, shall be submitted with the application for consideration by the District.

Annual payment for the water service described herein shall be determined by the Board of Directors of the District. The initial annual payment shall be made in full, within thirty (30) days after the date of notice to the Applicant that the initial payment is due. Said notice will advise the Applicant, among other things, of the water delivery year to which the initial payment shall apply and the price which is applicable to that year.

Annual payments for each year thereafter shall be due and payable by the Applicant on or before each January 1. If an annual payment is not made by the due date a flat \$50 late fee will be assessed. Final written notice prior to cancellation will be sent certified mail, return receipt requested, to the Applicant at such address as may be designated by the Applicant in writing or set forth in this Contract or Application. Water use for any part of a water year shall require payment for the entire water year. Nothing herein shall be construed so as to prevent the District from adjusting the annual rate in its sole discretion for future years only.

If payment is not made within fifteen (15) days after the date of said written notice, Applicant shall at District's sole option have no further right, title or interest under this Contract without further notice, and delivery may be immediately curtailed. The allotment of water, as herein made, may be transferred, leased, or otherwise disposed of at the discretion of the Board of Directors of the District.

Upon cancellation of this water allotment Contract with the District, the District shall notify the Division of Water Resources offices in Denver and Glenwood Springs. The Division of Water Resources may then order cessation of all water use.

7. Additional Fees and Costs: Applicant agrees to defray any expenses incurred by the District in connection with the allotment of water rights hereunder, including, but not limited to, reimbursement of legal and engineering costs incurred in connection with any water rights and adjudication necessary to allow Applicant's use of such allotted water rights.

8. Assignment: This Contract shall not inure to the benefit of the heirs, successors or assigns of Applicant, without the prior written consent of the District's Board of Directors. Any assignment of Applicant's rights under this Contract shall be subject to, and must comply with, such requirements as the District may hereafter adopt regarding assignment of Contract rights and the assumption of Contract obligations by assignees and successors. Nothing herein shall prevent successors to a portion of Applicant's property from applying to the District for individual and separate allotment Contracts. No assignment shall be recognized by the District except upon completion and filing of proper forms for assignment and change of ownership.

In the event the water allotted pursuant to this Contract is to be used for the benefit of land which is now or will subsequently be subdivided or held in separate ownership, the Applicant may only assign the Applicant's rights hereunder to: 1) No more than three separate owners all of whom shall be party to a well sharing agreement satisfactory to the District; or 2) A homeowners association, water district, water and sanitation district or other special district properly organized and existing under the laws of the State of Colorado, and then, only if such parties, association or special district establishes to the satisfaction of the District that it has the ability and authority to perform the Applicant's obligations under this Contract. In no event shall the owner of a portion, but less than all, of the Applicant's property to be served under this Contract have any rights hereunder, except as such rights may exist pursuant to a well sharing agreement or through a homeowners association or special district as provided above.

Upon the sale of the real property to which this Contract pertains, Applicant shall make buyer aware of this Contract and proper forms for assignment and change of ownership must be completed.

9. Other Rules: Applicant shall be bound by the provisions of the Water Conservancy Act of Colorado; by the rules and regulations of the Board of Directors of the District; and all amendments thereof and supplements thereto and by all other applicable law.

10. Operation and Maintenance Agreement: Applicant shall enter into an "Operation and Maintenance Agreement" with the District under terms and conditions determined by the board of Directors of the District, if and when, the Board of said District determines in its sole discretion that such an agreement is required. Said agreement may contain, but shall not be limited to, provisions for additional annual monetary consideration for extension of District delivery services and for additional administration, operation, and maintenance costs; or for other costs to the District which may arise through services made available to the Applicant.

11. Change of Use: The District reserves the exclusive right to review, reapprove or disapprove any proposed change in use of the water allotted hereunder. Any use other than that set forth herein or any lease or sale of the water or water rights allotted hereunder without the prior written approval of the District shall be deemed to be a material breach of this Contract.

12. Use and Place of Use: Applicant agrees to use the water in the manner and on the property described in the documents submitted to the District at the time this Contract is executed, or in any operation and maintenance agreement provided by Applicant. Any use other than as set forth thereon or any lease or sale of the water or water rights herein, other than as permitted in paragraph 8 above, shall be deemed to be a material breach of this agreement.

13. Title: It is understood and agreed that nothing herein shall be interpreted to give the Applicant any equitable or legal fee title interest in or to any water or water rights referred to herein.

14. Conservation: Applicant shall use commonly accepted conservation practices with respect to the water and water rights herein, and hereby agrees to be bound by any conservation plan adopted hereafter by the District for use of District owned or controlled water or water rights.

15. Restrictions: Applicant shall restrict actual diversions to not exceed the contract amount, which provides water (on the formula of one acre foot per dwelling) for ordinary household purposes inside one single family dwelling, the watering of domestic livestock, fire protection, and the irrigation of lawn and garden as specified in the Application.

Applicant shall also comply with all restrictions and limitations set forth in the well permit obtained from the Colorado Division of Water Resources.

Watering of livestock shall be restricted to Applicant's domestic animals not to be used for commercial purposes unless Applicant obtains approval from the Colorado Division of Water Resources for commercial use/livestock watering, provided that in no event shall actual diversions exceed the amount of water provided by this Contract.

Violation of this paragraph 15 shall be deemed to be a material breach of this Contract.

16. Well Permit: If Applicant intends to divert through a well, then Applicant must provide to District a copy of Applicant's valid well permit before District is obligated to deliver any water hereunder.

17. Measuring Device or Meter: Applicant agrees to provide, at its own expense, a measuring device deemed acceptable by the District's Engineer after consultation, or a totalizing flow meter with remote readout to continuously and accurately measure at all times the water diverted pursuant to the terms of Applicant's water right and the terms of this Contract. Applicant agrees to provide accurate readings from such device or meter to District upon District's request. Applicant acknowledges that failure to comply with this paragraph could result in legal action to terminate Applicant's diversion of water by the State of Colorado Division of Water Resources. By signing this Contract, Applicant hereby specifically allows District, through its authorized agent, to enter upon Applicant's property during ordinary business hours for the purposes of determining Applicant's actual use of water.

18. Representations: By executing this Contract, Applicant agrees that it is not relying on any legal or engineering advice that Applicant may believe has been received from the District. Applicant further acknowledges that it has obtained all necessary legal and engineering advice from Applicant's own sources other than the District. Applicant further acknowledges that the District makes no guarantees, warranties, or assurances whatsoever about the quantity or quality of water available pursuant to this Contract. Should the District be unable to provide the water contracted for herein, no damages may be assessed against the District, nor may Applicant obtain a refund from the District.

19. Costs of Water Court Filing and Augmentation Plan: Should the District, in its own discretion, choose to include Applicant's Contract herein in a water court filing for alternate point of diversion or plan of augmentation, then Applicant hereby agrees to pay to the District, when assessed, an additional fee representing the District's actual and reasonable costs and fees for Applicant's share of the proceedings. Applicant shall be assessed a pro-rata share of the total cost incurred by the District in preparing, filing and pursuing to decree the water court case. The pro-rata share shall be calculated by dividing such total cost by the number of contractees included in the filing. To the extent that the District is caused additional costs because of objection filed specifically due to the inclusion of Applicant's Contract in the filing, such additional costs may be charged specifically to Applicant and not shared on a pro-rata basis by all contractees.

20. Binding Agreement: This agreement shall not be complete nor binding upon the District unless attached hereto is the form entitled "Application to Lease Water From West Divide Water Conservancy District" fully completed by Applicant and approved by the District's engineer. Said attachments shall by this reference thereto be incorporated into the terms of this agreement. All correspondence from the District to Applicant referring to or relating to this agreement is by this reference incorporated into this agreement as further terms and conditions of this agreement.

21. Warning: IT IS THE SOLE RESPONSIBILITY OF THE APPLICANT TO OBTAIN A VALID WELL PERMIT OR OTHER WATER RIGHT IN ORDER TO DIVERT WATER, INCLUDING THE WATER ACQUIRED UNDER THIS CONTRACT. IT IS THE CONTINUING DUTY OF THE APPLICANT TO MAINTAIN THE VALIDITY OF THE WELL PERMIT OR WATER RIGHT INCLUDING FILING FOR EXTENSIONS OF PERMITS, FILING WELL COMPLETION REPORTS, FILING STATEMENTS OF BENEFICIAL USE, OR OTHERWISE LAWFULLY APPLYING THE WATER TO BENEFICIAL USE ON A REGULAR BASIS WITHOUT WASTE.

22. AREA B. CONTRACTS/LEASES: IF APPLICANT'S WELL OR OTHER WATER RIGHT THAT IS THE SUBJECT OF THIS CONTRACT/LEASE IS LOCATED OUTSIDE "AREA A" AS DESIGNATED BY THE DISTRICT, THEN THIS PARAGRAPH APPLIES: THE AUGMENTATION WATER PROVIDED BY THE DISTRICT UNDER THIS CONTRACT MAY ONLY PROTECT APPLICANT'S WATER RIGHT FROM A CALL ON THE COLORADO RIVER AND MAY NOT PROTECT APPLICANT FROM A CALL FROM ANY OTHER SENIOR RIGHT. NO REPRESENTATION OTHERWISE IS MADE BY THE DISTRICT. IF THIS IS A CONCERN TO APPLICANT, THIS CONTRACT/LEASE MAY BE RESCINDED UPON WRITTEN NOTICE DELIVERED TO THE DISTRICT BY THE APPLICANT WITHIN THE NEXT 30 DAYS FOLLOWING THE AFFIXING OF SIGNATURES ON THIS CONTRACT/LEASE IN WHICH EVENT ALL SUMS PAID BY APPLICANT FOR THIS CONTRACT/LEASE SHALL BE IMMEDIATELY REFUNDED TO APPLICANT.

Applicant:

Applicant:

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

T. Patrick

The foregoing instrument was acknowledged before me on this 17th day of December, 2001, by TERRI PATRICK.

Witness my hand and official seal.

My commission expires: 6/1/2002

Christy A. Zwick
Notary Public

ORDER

After a hearing by the Board of Directors of the West Divide Water Conservancy District on the application, it is hereby ORDERED that said application be granted and this contract/lease shall be and is accepted by the District.

WEST DIVIDE WATER CONSERVANCY DISTRICT

By Tom Blanton
President

ATTEST:

Sharon Starbuck
Secretary 9/5

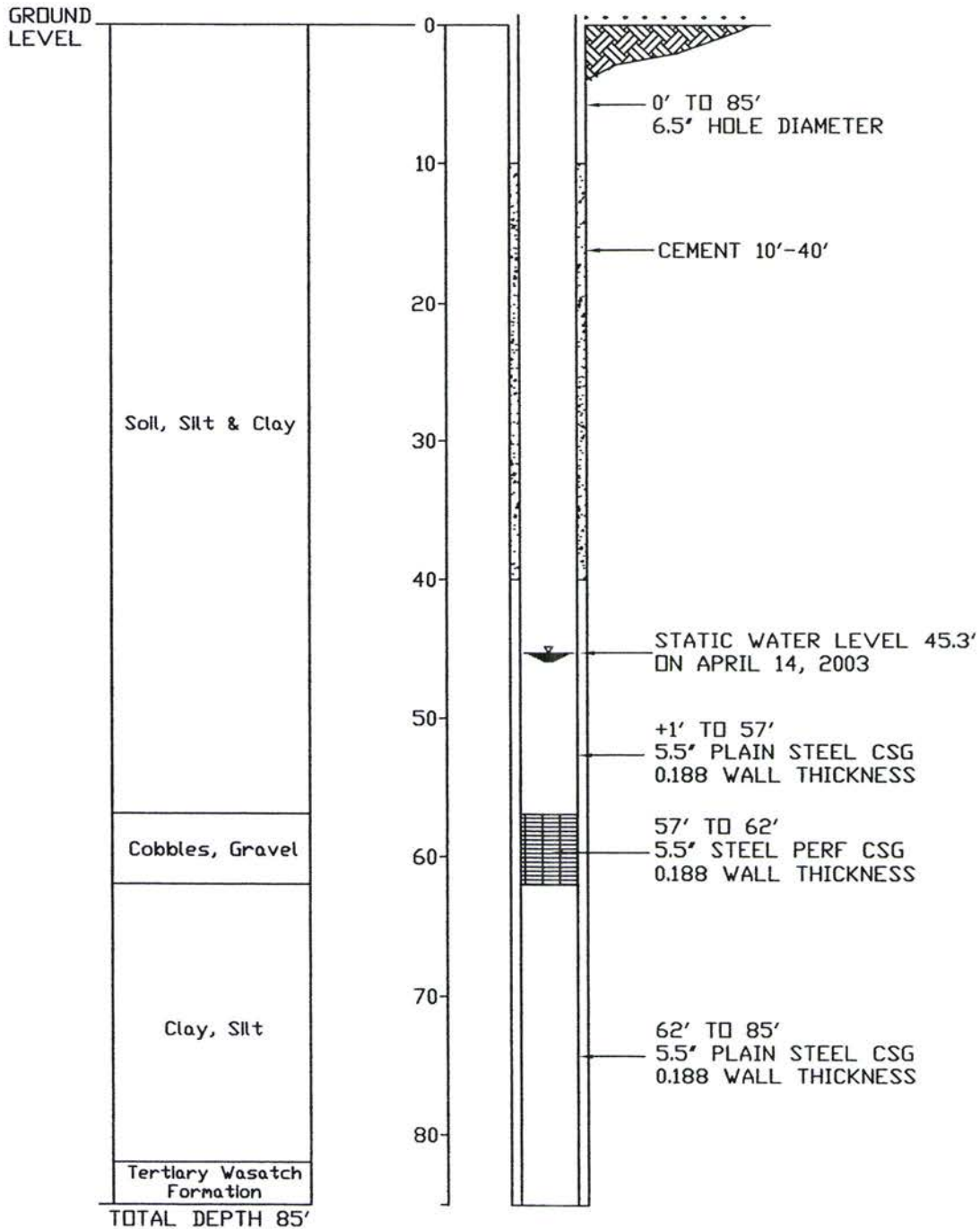
3/28/02
Date

This contract/lease includes and is subject to the terms and conditions of the following documents which must accompany this contract/lease:

1. Map showing location of point of diversion (use map provided)
2. Application and Data Form fully completed and signed
3. _____

DATA FOR
SILT HEIGHTS WELL #1

SILT HEIGHTS WELL #1
 PERMIT #210911-A
 NE 1/4 SE 1/4
 1430 FSL, 360 FEL
 SECTION 28
 T5S, R92W, 6TH P.M.
 COMPLETED 4/10/03



SILT HEIGHTS WELL #1
 WELL DETAIL

SILT HEIGHTS SUBDIVISION

FIGURE NO.

2

SCALE:
 NOT TO SCALE

DATE:
 AUGUST 31, 2005

SHEET
 1 OF 1

DRAWN BY:
 BCP

CHKD BY:
 BCP

APPD BY:
 TAZ

PLAN NO.
 WellDetail.dwg

ZANCANELLA AND ASSOCIATES, INC.
 ENGINEERING CONSULTANTS
 POST OFFICE BOX 1908 - 1005 COOPER AVENUE
 GLENWOOD SPRINGS, COLORADO 81602 (970) 945-5700

PROJECT: 21836

WELL PERMIT NUMBER		210911	-	A
DIV. 5	WD 39	DES. BASIN	MD	

APPLICANT

TERRI PATRICK
1175 COUNTY ROAD 259
RIFLE, CO 81650-

(970) 625-2834

APPROVED WELL LOCATION

GARFIELD COUNTY
NE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

1380 Ft. from South Section Line
235 Ft. from East Section Line

UTM COORDINATES

Northing: Easting:

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(c) for the relocation of an existing well, permit no. 210911. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety (90) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) Approved as the only well on a tract of land of 36.44 acres described as that portion of the NE 1/4 of the SE 1/4, Sec. 28, Twp. 5 South, Rng. 92 West, 6th P.M., Garfield County, more particularly described on the attached exhibit A. Further identified as 1175 County Road 259, Rifle, CO 81650.
- 5) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the irrigation of not more than one (1) acre of home gardens and lawns, and the watering of domestic animals.
- 6) The maximum pumping rate of this well shall not exceed 15 GPM.
- 7) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 8) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: Parcel Identification Number (PIN): 23-2127-284-00-286

NOTE: Assessor Tax Schedule Number: R211013

DMW
02/19/2003

APPROVED
DMW

Helena S. Sington
State Engineer

Dyett M. Whithead
By

Receipt No. 9501393

DATE ISSUED 02-19-2003

EXPIRATION DATE 02-19-2005

WELL CONSTRUCTION AND TEST REPORT
 STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

FOR OFFICE USE ONLY

1. **WELL PERMIT NUMBER** 210911-A
 Owner Name(s): Terri Patrick
 Mailing Address: 1175 County Road 259
 City, State, Zip : Rifle, Co. 81650
 Phone # : 970-625-2534

APPROVAL # GWS31-91-03

 3. **WELL LOCATION AS DRILLED**
 DISTANCES FROM SEC. LINES NE 1/4 SE 1/4 Sec: 28 Twp: 5 S Range: 92 W
 1430 ft. from South Sec. line and 360 ft. from East Sec. line OR Northing: Easting:
 SUBDIVISION: LOT: BLOCK: FILING (UNIT):
 STREET ADDRESS AT LOCATION

 4. **GROUND SURFACE ELEVATION** ft. **DRILLING METHOD** Air Rotary
DATE COMPLETED: 4/10/2003 **TOTAL DEPTH:** 85 **DEPTH COMPLETION:** 85
5. **GEOLOGIC LOG**

Depth	Type of Material (Size, Color, and Type)
000-057	Dirt, Silts, Clays
057-062	Cobbles, Gravels
062-082	Clays, Silts
082-085	Wasatch Formation

6. **HOLE DIAMETER (in)**

FROM (ft)	TO (ft)
0	85
85	

7. **PLAIN CASING**

OD (in)	Kind	Wall Size	From (ft)	To (ft)
5.5	Steel	0.188	-1	57
5.5	Steel	0.188	62	85

PERF. CASING : Screen Slot Size

Material	Amount	Density	Interval	Placement
5.5	Steel	0.188	57	62

Water Located: 57-62

Remarks :

 8. Filter Pack
 Material :
 Size :
 Interval :

 9. Packer Placement
 Type :
 Depth :
10. **GROUTING RECORD**

Material	Amount	Density	Interval	Placement
Cement	5 sks	6 gal/sk	10-40	poured

11. **DISINFECTION** : Type : HTH

Amt. Used : 2 oz.

12. **WELL TEST DATA** : () Check Box If Test Data Is Submitted On Supplemental**TESTING METHOD** : Air Compressor

Static Level : 42 ft

Date/Time Measured 4/10/2003

Production Rate 7.5 gpm

Pumping Level : Total ft.

Date/Time Measured 4/10/2003

Test Length : 2 hours

Test Remarks :

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. (Pursuant to Section 24-4-1-4 (13)(a) CRS, the making of false statements constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.)

CONTRACTOR : Shelton Drilling Corp.

Phone : (970) 927-4182

Mailing Address : P.O. Box 1059 Basalt, Co. 81621

Lic. No. 1095

Name / Title (Please Type or Print)

Signature

Date

Wayne Shelton / President

4/21/2003

TABLE 2
Pump Test Data

Well ID: Silt Heights Well #1

Job No.: 21836
 Client: Silt Heights Subdivision
 Test By: Samuelson
 Analysis By: BCP
 M.P. = Top of Casing

Q = 7 gpm
 r = _____ ft
 S.W.L. = 45.3 ft
 b = _____ ft
 Time/Date on: 4/14/03 10:50 AM
 Time/Date off: 4/14/03 3:20 PM
 Test Length: 4:30:00 total time

TIME	Time (minutes)	W.L. Measurement		Drawdown (feet)	Q (gpm)	t' (minutes)	t/t'
		(feet)	(inches)				
4/14/03 10:50 AM	0	45	3.25	SWL	1.7		
4/14/03 10:51 AM	1	46	1	0.81	1.7		
4/14/03 10:52 AM	2	45	5	0.15	1.7		
4/14/03 10:56 AM	6	46	3.5	1.02	1.7		
4/14/03 10:58 AM	8	46	3.25	1.00	1.7		
4/14/03 11:00 AM	10	46	3.25	1.00	1.7		
4/14/03 11:02 AM	12	46	5.25	1.17	1.7		
4/14/03 11:05 AM	15	46	4.25	1.08	1.7		
4/14/03 11:10 AM	20	46	3.5	1.02	1.7		
4/14/03 11:20 AM	30	46	3.25	1.00	1.7		
4/14/03 11:30 AM	40	46	0	0.73	1.7		
4/14/03 11:40 AM	50	48	1.75	2.88	5		
4/14/03 11:50 AM	60	48	5	3.15	5		
4/14/03 12:20 PM	90	48	2	2.90	7.5		
4/14/03 12:30 PM	100	49	3.5	4.02	7.5		
4/14/03 12:40 PM	110	50	10.5	5.60	7.5		
4/14/03 12:50 PM	120	51	0.5	5.77	7.5		
4/14/03 1:20 PM	150	51	4	6.06	7.5		
4/14/03 1:50 PM	180	51	6.5	6.27	7.5		
4/14/03 2:20 PM	210	51	10.25	6.58	7.5		
4/14/03 2:50 PM	240	52	1	6.81	7.5		
4/14/03 3:00 PM	250	51	6	6.23	6.7		
4/14/03 3:10 PM	260	51	6.5	6.27	6.7		
4/14/03 3:20 PM	270	51	7	6.31	6.7		
4/14/03 3:21 PM	271	47	10	2.56	Stopped Pumping	1	271
4/14/03 3:22 PM	272	46	10.25	1.58	0	2	136
4/14/03 3:23 PM	273	46	5.75	1.21	0	3	91
4/14/03 3:24 PM	274	46	5	1.15	0	4	69
4/14/03 3:26 PM	276	46	3	0.98	0	6	46
4/14/03 3:28 PM	278	46	0.75	0.79	0	8	35
4/14/03 3:31 PM	281	45	11.5	0.69	0	11	26
4/14/03 3:33 PM	283	45	11	0.65	0	13	22
4/14/03 3:35 PM	285	45	10.5	0.60	0	15	19
4/14/03 3:40 PM	290	45	9.5	0.52	0	20	15
4/14/03 3:50 PM	300	45	8.25	0.42	0	30	10
4/14/03 4:00 PM	310	45	6.5	0.27	0	40	8
4/14/03 4:10 PM	320	45	6.5	0.27	0	50	6
4/14/03 4:20 PM	330	45	6.5	0.27	0	60	6

Figure 3
Pumping Test - 4/14/03
Silt Heights Well

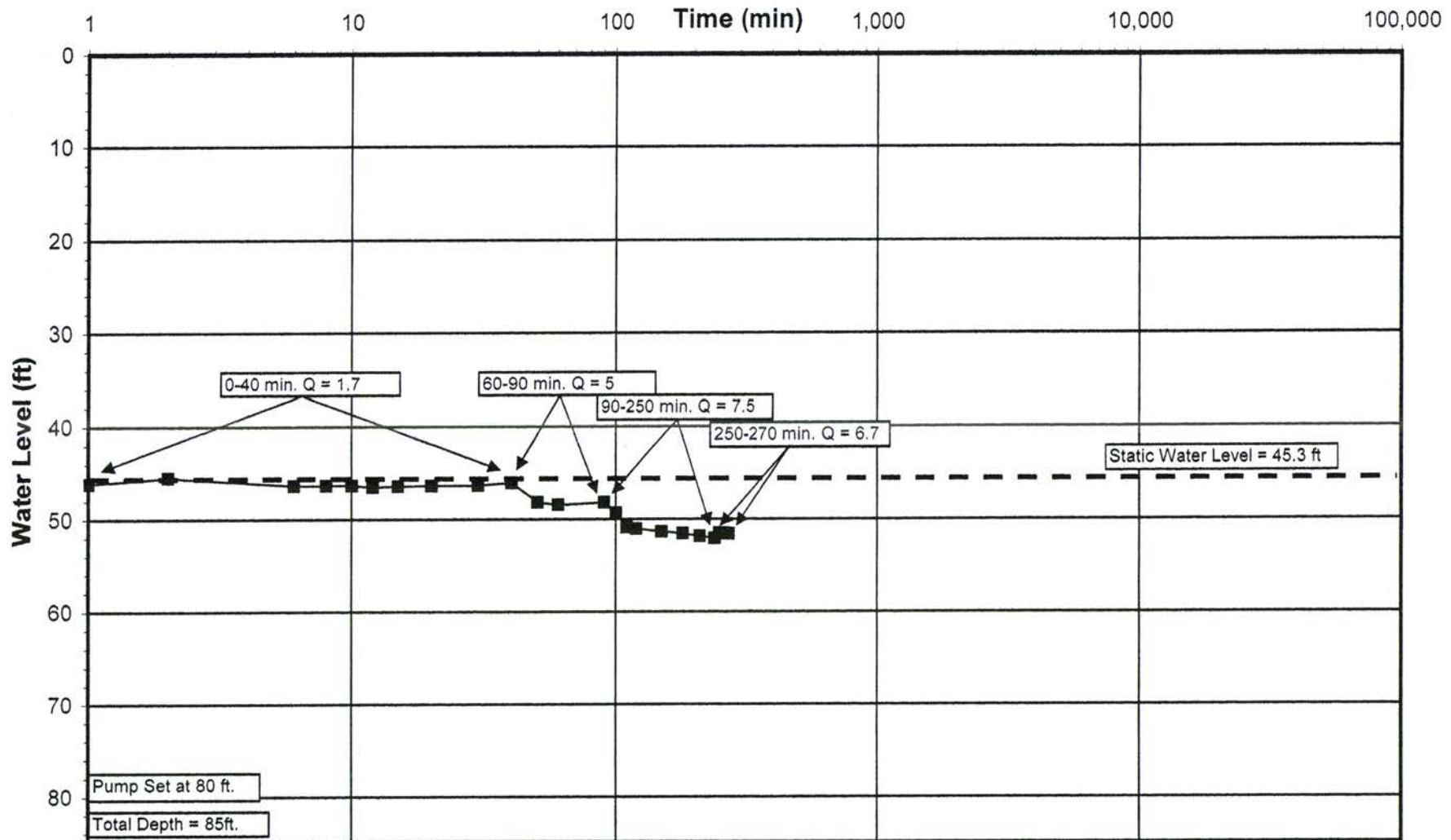
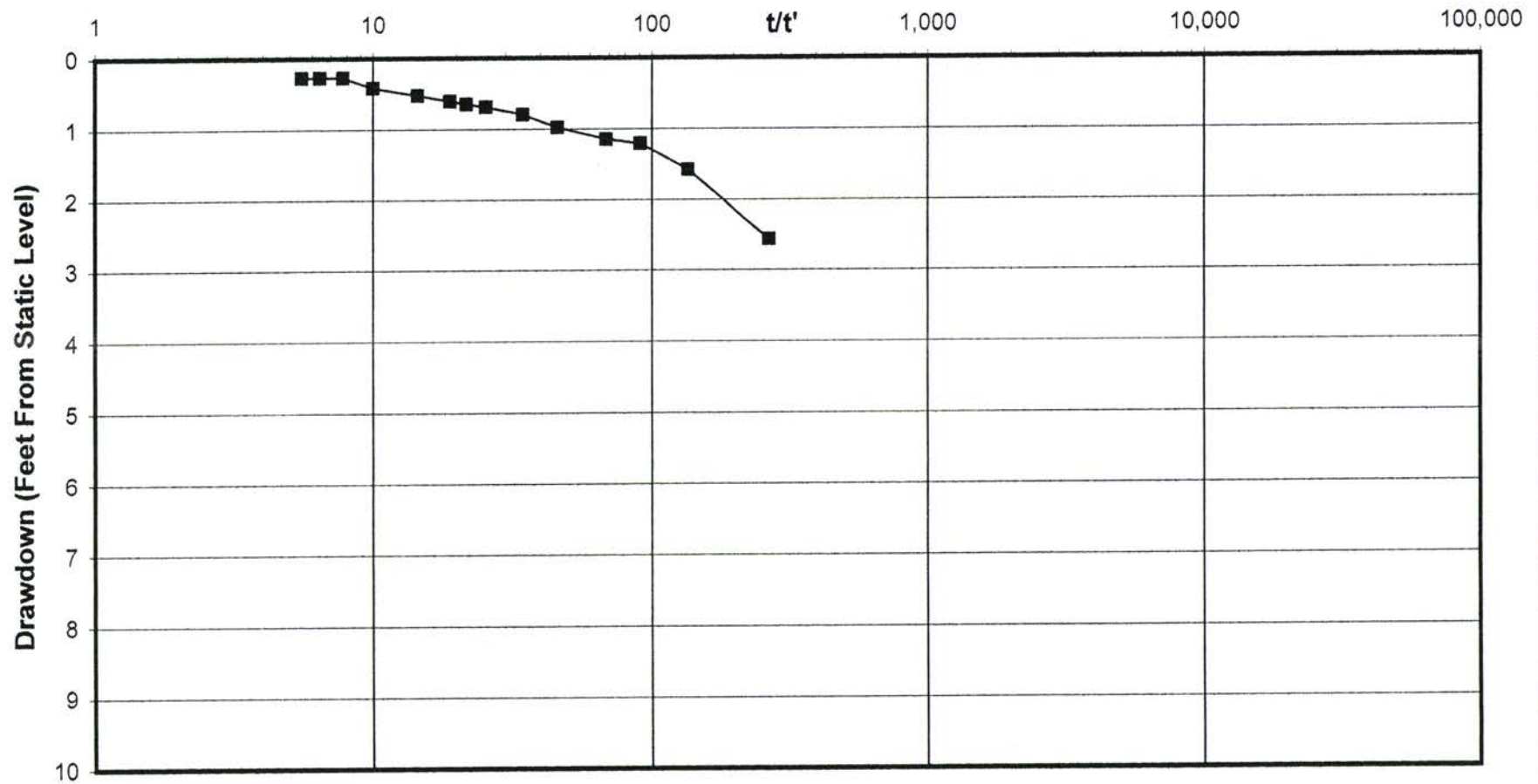


Figure 4
Recovery Following 4.5 Hour Pumping Test - 4/14/03
Silt Heights Well
Recovery as Residual Drawdown



JOHN C. KEPHART & CO.
GRAND JUNCTION LABORATORIES

— 435 NORTH AVENUE ♦ PHONE: (970) 242-7618 ♦ FAX: (970) 243-7235 ♦ GRAND JUNCTION, COLORADO 81501 —

— ANALYTICAL REPORT —

Received from:

Zancanella & Assoc.
PO Box 1908
Glenwood Springs, CO 81602
970-945-5700, FAX 945-1253
2054

water

Customer No. _____ Laboratory No. _____ Sample _____

Date Received 4/24/03 Date Reported 6/5/03

Lab number 2054 Limits for Drinking Supplies Set
Sample ID Terri Patrick 4/23 3PM by Cole. Dept. Health
Garfield Cty, by Mike,
CR 259 at wellhead

Arsenic (As)	0.002 mg/l	0.01 mg/l
Barium (Ba)	0.17 mg/l	2.0 mg/l
Cadmium (Cd)	0.0000 mg/l	0.005 mg/l
Chromium (Cr)	0.000 mg/l	0.1 mg/l
Fluoride (F)	2.20 mg/l	4 mg/l
Lead (Pb)	0.002 mg/l	0.015 mg/l
Mercury (Hg)	0.00000 mg/l	0.002 mg/l
Nitrate (N)	0.62 mg/l	10.0 mg/l
Selenium (Se)	0.055 mg/l	0.05 mg/l
Silver (Ag)	0.0000 mg/l	0.05 mg/l
Color (Co/Pt unit)	0	no official limit
pH	7.72	6.5-8.5 acceptable
Conductivity@25 deg. C	5010 umhos/cm	no official limit
Sodium (Na)	1000 mg/l	20 mg/l
Calcium (Ca)	53 mg/l	no official limit
Magnesium (Mg)	56 mg/l	125 mg/l
Potassium (K)	0.2 mg/l	no official limit
Chloride (Cl)	352 mg/l	250 mg/l
Sulfate (SO4)	1220 mg/l	250 mg/l
Phenol. Alkalinity (CaCO3)	0 mg/l	no official limit
Total Alkalinity (CaCO3)	801 mg/l	no official limit
Bicarbonate (HCO3)	969 mg/l	no official limit
Carbonate (CO3)	0 mg/l	no official limit
Dissolved Solids	3350 mg/l	500 mg/l
Hardness (CaCO3)	374 mg/l	200 mg/l
Turbidity (NTU)	12	1
Boron (B)	0.30 mg/l	no official limit
Copper (Cu)	0.031 mg/l	1.3 mg/l
Iron (Fe)	1.05 mg/l	0.3 mg/l
Manganese (Mn)	0.040 mg/l	0.05 mg/l
Molybdenum (Mo)	0.005 mg/l	no official limit
Nitrite (N)	0.00 mg/l	no official limit
Phosphate (P)	0.04 mg/l	no official limit
Zinc (Zn)	0.013 mg/l	5.0 mg/l
Nitrite (N)	0 mg/l	1 mg/l

See notes on the next page.

Lab Director: B. Bauer



Snowmass Water + San.

LABORATORY & RADIATION SERVICES 8100 LOWRY BOULEVARD DENVER, CO 80230-6928
US MAIL PO BOX 17123 DENVER, CO 80217

WATER BACTERIOLOGY

ishn Coliform

SAMPLE INFORMATION: COMMUNITY NON-COMMUNITY PRIVATE
PWS ID: [] [] [] [] [] [] ROUTINE RAW REPEAT FOR THE MONTH OF _____
 SPECIAL PURPOSE FINISHED

DATE TIME BY
COLLECTED 7/23/03 1:07 AM PM TC
RECEIVED 7/24/03 10:00 AM PM CB

NAME OF SYSTEM TEERI PATILK MGL
ADDRESS COUNTY RD 259 CITY SILT CHLORINE REGIONAL COUNTY STEELEFIELD

RESULTS: SEE REVERSE FOR EXPLANATION
TOTAL COLIFORM PRESENT ABSENT

ORDERED BY: (SAMPLE MAY NOT BE TESTED IF ALL INFORMATION IS NOT PROVIDED)
(970) 945-5700
PHONE

MOST PROBABLE NO. _____ COLIFORM/100ML

FEE STAMP
Bill

NAME ZAVCAN ELLA + ASSTS
ADDRESS 1005 COOPER AVE
CITY/STATE/ZIP GREENWOOD SPRINGS, CO 81601

E. Coli Absent

LAB 106 (07/97)

TEST ORDERED STD BACT. OTHER 444

DENVER DURANGO GF
ANALYST _____

72932214-22



#1

August 20, 2007

Terry Patrick
1175 County Road 259
Rifle, CO 81650

ATTN: Terry

On April 14, 2003 a well test was conducted on a well on the Patrick Property at 1175 County Road 259. The following information was obtained;

Well Depth-----	85'
Casing Size-----	5"
Standing water level-----	45' - 3.25"
Total test time-----	4 1/2 Hours
Drawdown to -----	51' - 7"
Production is -----	5 GPM

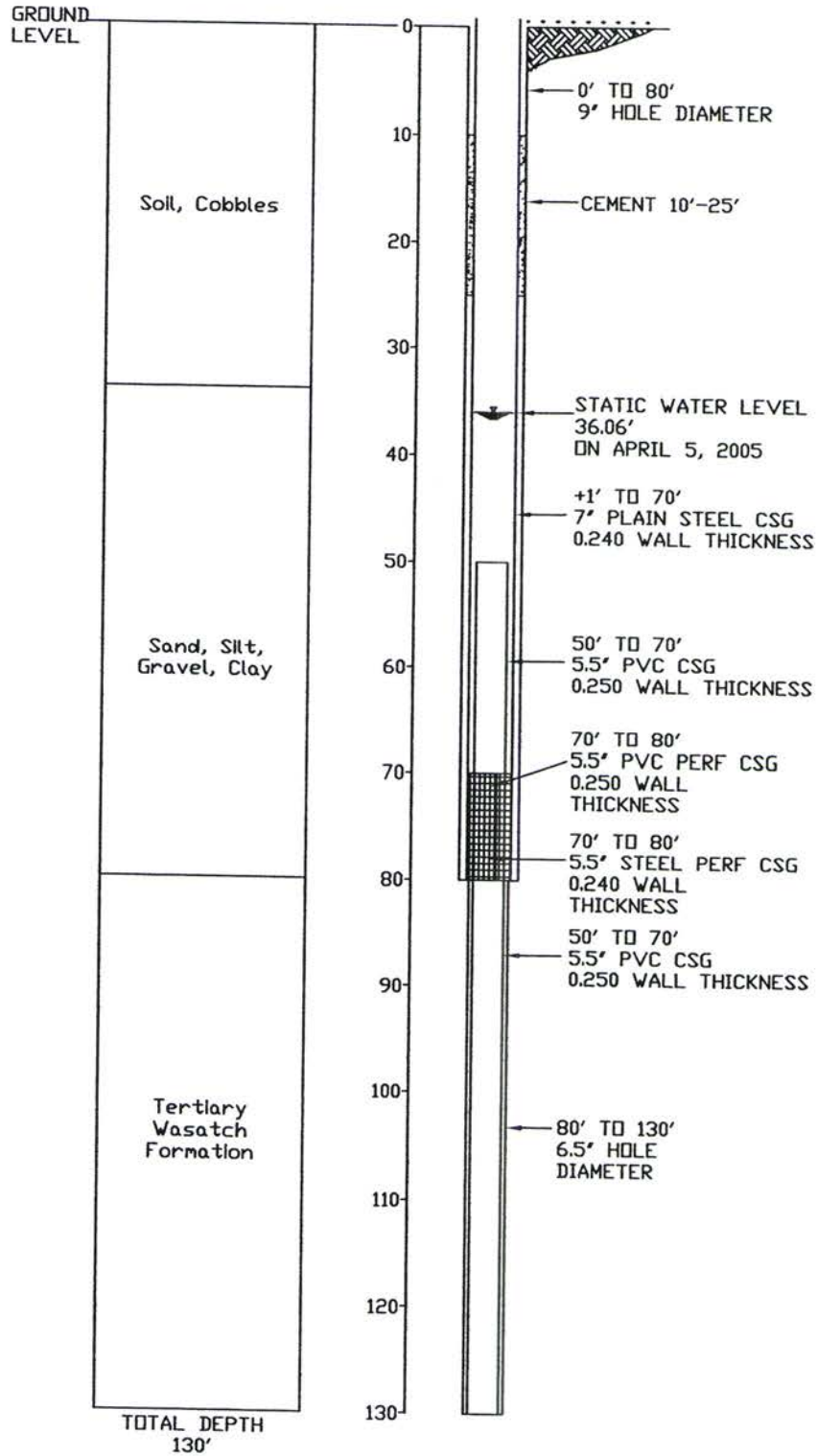
This test was conducted with 3/4 Hp Pump. The well recovered back to 45' - 6.5" in 60 Minutes. This well will produce 7200 gallons per day. The national average per person per day is 100 to 150 gallons. This well with storage could provide up to 48 people. If you have any questions please call me, Raun Samuelson at 970-945-6309.

Sincerely;

Raun E Samuelson
Samuelson Pump Co.

DATA FOR
SILT HEIGHTS WELL #2

SILT HEIGHTS WELL #2
 PERMIT #61931-F
 SE 1/4 SE 1/4
 1200 FSL, 440 FEL
 SECTION 28
 T5S, R92W, 6TH P.M.
 COMPLETED 3/9/05



SILT HEIGHTS WELL
 WELL #2 DETAIL

SILT HEIGHTS SUBDIVISION

FIGURE NO.

5

SCALE: NOT TO SCALE

DATE: AUGUST 31, 2005

SHEET 1 OF 1

DRAWN BY: BCP

CHKD BY: BCP

APPD BY: TAZ

PLAN NO. Well2Detail.dwg

ZANCANELLA AND ASSOCIATES, INC.
 ENGINEERING CONSULTANTS
 POST OFFICE BOX 1908 - 1011 GRAND AVENUE
 GLENWOOD SPRINGS, COLORADO 81602 (970) 945-5700

PROJECT: 21836

Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Contonial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1095

WELL PERMIT NUMBER	<u>61931</u>	<u>-F</u>	<u>-</u>
DIV. 5	WD 39	DES. BASIN	MD

APPLICANT

TERRI PATRICK
117 COUNTY ROAD 259
RIFLE, CO 81650-

APPROVED WELL LOCATION

GARFIELD COUNTY
SE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

Ft. from	Section Line
Ft. from	Section Line

UTM COORDINATES (NAD83)

Easting:	Northing:
----------	-----------

(970) 625-2534

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2) for the construction of a well, appropriating ground water tributary to the Colorado River, as an alternate point of diversion to the Avalanche Canal and Siphon, on the condition that the well shall be operated only when the West Divide Water Conservancy District's substitute water supply plan, approved by the State Engineer, is in effect, and when a water allotment contract between the well owner and the West Divide Water Conservancy District for the release of replacement water from Ruedi Reservoir is in effect or under an approved plan for augmentation. WDWCD contract #020320SHS(a).
- 4) The use of ground water from this well is limited to ordinary household purposes inside one (1) single family dwelling and one (1) accessory dwelling unit and the irrigation of not more than 2,500 square feet of home gardens and lawns. All use of this well will be curtailed unless the water allotment contract or a plan for augmentation is in effect. This well is known as Silt Heights Well no. 4.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The average annual amount of ground water to be appropriated by this well, in combination with the three other wells for Silt Heights Subdivision, shall not exceed 4.57 acre-feet.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 9) Pursuant to Rule 6.2.3 of the Water Well Construction Rules, the well construction contractor shall submit the as-built well location on work reports required by Rule 17.3 within 60 days of completion of the well. The measured location must be accurate to 200 feet of the actual location. The location information must include either the 1/4, 1/4, Section, Township, Range, and distances from section lines, or a GPS location pursuant to the Division of Water Resources' guidelines.

NOTE: Expired permit no. 57749-F was previously issued for this lot.
 NOTE: Parcel Identification Number (PIN): 23-2127-284-00-285
 NOTE: Assessor Tax Schedule Number: R211013 (totaling 36.44 acres)

J n n
11/02/2004

APPROVED
DMW

Hel U. Simpson

State Engineer

Light M. Whitehead

By

Receipt No. 96010860

DATE ISSUED 11-02-2004

EXPIRATION DATE 11-02-2005

WELL CONSTRUCTION AND TEST REPORT STATE OF COLORADO, OFFICE OF THE STATE ENGINEER		FOR OFFICE USE ONLY	
1. WELL PERMIT NUMBER 61931-F		APPROVAL # GWS31 91-03	
2. Owner Name(s): Terri Patrick (2) Mailing Address: 1175 County Road 259 City, State, Zip : Rifle, Co. 81650 Phone # :			
3. WELL LOCATION AS DRILLED DISTANCES FROM SEC. LINES SE 1/4 SE 1/4 Sec: 28 Twp: 5 S Range: 92 W 1200 ft. from South Sec. line and 440 ft. from East Sec. line OR Northing: Easting: SUBDIVISION: LOT: BLOCK: FILING (UNIT): STREET ADDRESS AT LOCATION			
4. GROUND SURFACE ELEVATION ft. DRILLING METHOD Air Rotary DATE COMPLETED: 3/9/2005 TOTAL DEPTH: 130 DEPTH COMPLETION: 130			
5. GEOLOGIC LOG		6. HOLE DIAMETER (in)	
Depth	Type of Material (Size, Color, and Type)	FROM (ft)	TO (ft)
000-034	Dirt, Cobbles	0	80
034-080	Sands, Silts, Gravels, Clays	80	130
080-132	Wasatch Formation		
		7. PLAIN CASING	
	OD (in)	Kind	Wall Size
	7.0	Steel	0.240
	5.5	PVC	0.250
	5.5	PVC	0.250
		From (ft)	To (ft)
		-1	70
		50	70
		80	130
		PERF. CASING : Screen Slot Size	
		7.0	Steel 0.240 70 80
		5.5	PVC 0.250 70 80
Water Located: 70 - 80		8. Filter Pack	
Remarks :		Material :	
		Size :	
		Interval :	
		9. Packr Placement	
		Type :	
		Depth :	
		10. GROUTING RECORD	
	Material	Amount	Density
	Cement	3 sks	6 gal/sk
			Interval
			10-25
			Placement
			poured
11. DISINFECTATION : Type : HTH		Amt. Used : 4 oz.	
12. WELL TEST DATA : () Check Box If Test Data Is Submitted On Supplemental			
TESTING METHOD : Air Compressor			
Static Level : 34 ft.		Date/Time Measured 3/9/2005	
Pumping Level : Total ft.		Production Rate 5 gpm	
Test Remarks :		Date/Time Measured 3/9/2005	
		Test Length : 2 hours	
13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. (Pursuant to Section 24-4-1-4 (13)(a) CRS, the making of false statements constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.)			
CONTRACTOR : Shelton Drilling Corp.		Phone : (970) 927-4182	
Mailing Address : P.O. Box 1059 Basalt, Co. 81621		Lic. No. 1095	
Name / Title (Please Type or Print)		Signature	
Wayne Shelton / President			
		Date	
		3/21/2005	

**TABLE 3
Pump Test Data**

Well ID: Silt Heights Well #2

Job No.: 21836
 Client: Terri Patrick
 Test By: Samuelson
 Analysis By: BCP
 M.P. = Top of Casing

Q = 3 gpm
 r = _____ ft
 S.W.L. = 36.1 ft
 b = _____ ft
 Time/Date on: 4/5/05 11:02 AM
 Time/Date off: 4/5/05 4:02 PM
 Test Length: 5:00:00 total time

TIME	Time (minutes)	W.L. Measurement		Drawdown (feet)	Q (gpm)	t' (minutes)	t/t'
		(feet)	(inches)				
4/5/05 11:02 AM	0	36	0.7	SWL	1.8		
4/5/05 11:03 AM	1	37	3.2	1.21	1.8		
4/5/05 11:04 AM	2	37	9.5	1.73	1.8		
4/5/05 11:07 AM	5	38	7.2	2.54	1.8		
4/5/05 11:08 AM	6	38	7.0	2.52	1.8		
4/5/05 11:10 AM	8	38	5.6	2.41	1.8		
4/5/05 11:17 AM	15	40	2.0	4.11	2		
4/5/05 11:22 AM	20	40	7.7	4.58	2		
4/5/05 11:32 AM	30	40	10.8	4.84	2		
4/5/05 11:42 AM	40	40	11.9	4.93	2		
4/5/05 11:52 AM	50	40	10.6	4.82	3		
4/5/05 12:02 PM	60	41	1.9	5.10	3		
4/5/05 12:32 PM	90	41	3.7	5.25	3		
4/5/05 1:02 PM	120	41	1.8	5.09	3		
4/5/05 2:02 PM	180	41	7.3	5.55	3		
4/5/05 3:02 PM	240	41	7.4	5.56	3		
4/5/05 3:03 PM	241	39	8.3	3.63	Stopped Pumping	1	241
4/5/05 3:04 PM	242	38	7.1	2.53	0	2	121
4/5/05 3:06 PM	244	37	11.3	1.88	0	4	61
4/5/05 3:08 PM	246	37	5.3	1.38	0	6	41

Figure 6
Pumping Test - 4/5/05
Silt Heights Well #2

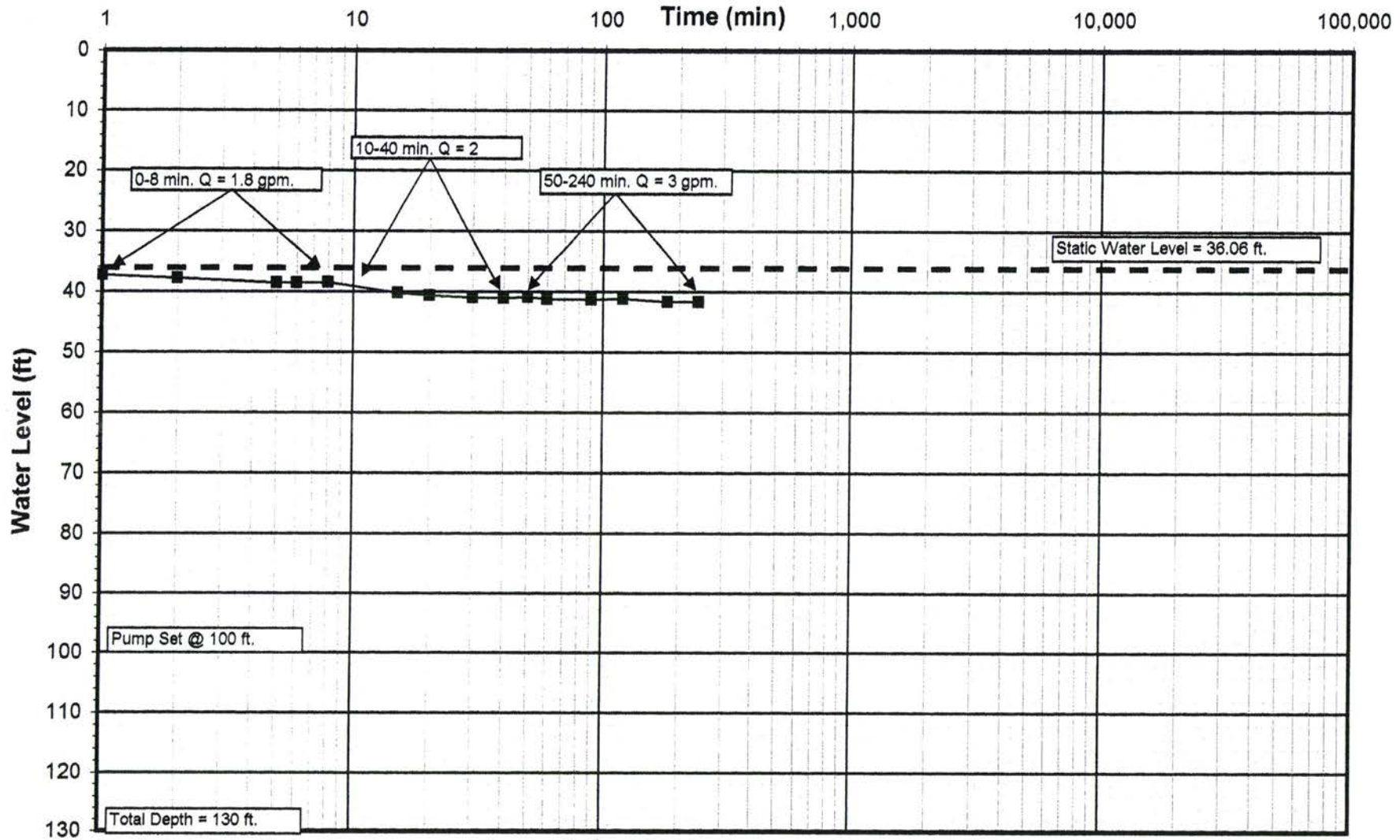
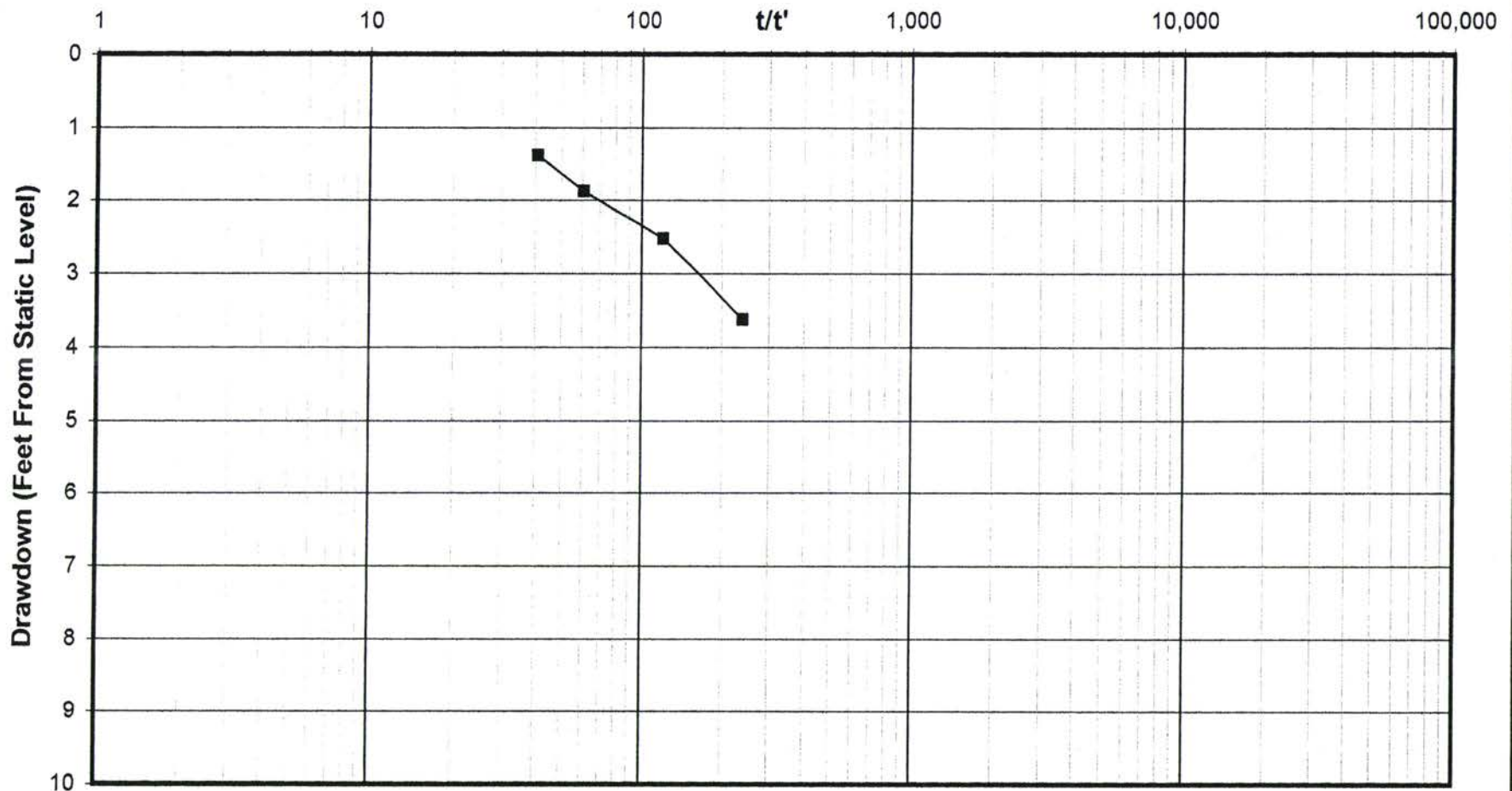


Figure 7
Recovery Following 4 Hour Pumping Test - 4/5/05
Silt Heights Well #2
Recovery as Residual Drawdown



JOHN C. KEPHART & CO. GRAND JUNCTION LABORATORIES

435 NORTH AVENUE ♦ PHONE: (970) 242-7618 ♦ FAX: (970) 243-7235 ♦ GRAND JUNCTION, COLORADO 81501

— ANALYTICAL REPORT —

Received from: Samuelson Pump Co.
PO Box 297
Glenwood Springs, CO 81602
(970) 945-6309, fax 947-9448
Raun Samuelson

Customer No. _____ Laboratory No. 8119 Sample Water
Date Received 3/29/05 Date Reported 4/5/05

Lab number _____
Sample ID WATER

Limit for
Public Drinking
Supplies
Colorado Dept.
Health

Parameter	Result	Limit
Total Coliform Bacteria	0 col/100ml	must be less than 1
Hardness (CaCO3)	43 mg/l	
Total Dissolved Solids	1010 mg/l	200 mg/l
Nitrate (N)	1.00 mg/l	500 mg/l
Nitrite (N)	0.00 mg/l	10 mg/l
		1 mg/l

Lab Director: E. Bauer



#2

August 20, 2007

Terry Patrick
1175 County Road 259
Rifle, Co. 81650

ATTN: Terry

On 4/5/05, a well test was conducted on a well on the Patrick Property. The following information was obtained;

Well Depth-----	134'
Casing Size-----	(7 x 5)"
Standing water level-----	36.06'
Total test time-----	4 Hours
Drawdown to -----	41.62'
Production is -----	3 GPM

This test was conducted with 1/2 Hp pump. The well water level recovered back to 37.44' in 6 Minutes. This well will produce 4320 gallons per day. The national average per person per day is 100 to 150 gallons. This well with storage could provide up to 28 people. If you have any questions please call me, Raun Samuelson at 970-945-6309.

Sincerely;

Raun E Samuelson
Samuelson Pump Co.

WELL #3

Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 868-3581

1095

WELL PERMIT NUMBER 65135 -F -
DIV. 5 WD 39 DES. BASIN MD

APPLICANT

TERRI PATRICK
6605 S ARBUTUS CIRCLE # 1326
LITTLETON, CO 80127-

(970) 618-1488

APPROVED WELL LOCATION

GARFIELD COUNTY
SE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

905 Ft. from South Section Line
295 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2), for the use of an existing well constructed under permit no. 81930-F (expired), appropriating ground water tributary to the Colorado River, as an alternate point of diversion to the Avalanche Canal and Siphon, on the condition that the well shall be operated only when the West Divide Water Conservancy District's substitute water supply plan, approved by the State Engineer, is in effect, and when a water allotment contract between the well owner and the West Divide Water Conservancy District for the release of replacement water from Ruadi Reservoir is in effect, or under an approved plan for augmentation. WDWCD contract #020328SHS(a).
- 4) The use of ground water from this well is limited to ordinary household purposes inside two (2) single family dwellings and the irrigation of not more than 2,500 square feet of home gardens and lawns. All use of this well will be curtailed unless the water allotment contract or a plan for augmentation is in effect. This well is known as WELL #3.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The average annual amount of ground water to be appropriated by this well, in combination with the three other wells for Silt Heights Subdivision, shall not exceed 4.57 acre-feet.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) This well must be located not more than 200 feet from the location specified on this permit.
- 9) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request. *JJ 12/4/06*

APPROVED
JSG

State Engineer

DATE ISSUED

12-04-2006

By

EXPIRATION DATE

12-04-2007

Receipt No. 3610882B

Received Time Aug. 6. 4:27PM



Laboratory Services Division
 8100 Lowry Boulevard, Denver CO 80230-6928
 US Mail: PO Box 17123, Denver CO 80217
 (303) 692-3090 fax (303) 344-9989

Colorado Department
 of Public Health
 and Environment

Lab ID No.

MSA-2006002157

SAMPLE SITE

SAMPLE INFORMATION

Terry Patrick

N. Well # 3

Collected 10/19/2006 1:30:00P
 Received 10/20/2006 2:01:55PM
 Reported 10/23/2006
 Collected By Matrix Drinking Water

CUSTOMER

COMMENTS

J and M Pump Inc
 8611 117 Road

Glenwood Springs, CO 81601

Contact Name
 Contact Phone

Purpose Routine Chlorine residual Payment Type Billed

Test Name	Result	Method Name
Escherichia coli PA	E. coli not detected	
Total coliforms PA	Coliform absent or less than one (<1), indicates a microbiologically safe sample	SM 9223

J & M Pump Inc.
 8611 County Road 117
 Glenwood Springs CO 81601
 Phone: 970-945-6159
 Cell: 970-948-6159
 Fax: 970-945-6159

Well Test

DATE: October 16, 2006

TO: Terry Patrick
 Box 561
 Rifle, CO. 81650

RE: Well Tests

Attn: Terry,
 J & M Pump Inc. performed two 4 hour well test on separate wells located atop Jewell Lane. The following results were obtained

	Well #3	
	North Well #65135	South Well #65259
Well Depth:	164'	135'
Water Level:	28'4"	30'
Drawdown To:	159'	129'
Sustained Yield:	1.25 GPM	6.75 GPM
Clarity:	Clear	Clear
Recovery:	75% within 42 minutes	80% within 17 minutes
Sample:	Bacteria	Bacteria

Both wells yield adequate water production for the needs of 3.5 persons using 100 gallons per day per person.

Samples were sent to G J Lab. All water reading were measured from top of casing.

If you have any questions, please call Rick, 945-6159

J & M Pump Inc

Richard A Holub

Richard A Holub
 Lic. No 1196

WELL #4

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXST

WELL PERMIT NUMBER 65259 -F -
DIV. 5 WD39 DES BASIN MD

APPLICANT

TERRI PATRICK
6605 S ARBUTUS CIRCLE # 1326
LITTLETON, CO 80127-

(970) 618-1488

APPROVED WELL LOCATION

GARFIELD COUNTY
SE 1/4 SE 1/4 Section 28
Township 5 S Range 92 W Sixth P.M.

DISTANCES FROM SECTION LINES

775 Ft. from South Section Line
200 Ft from East Section Line

UTM COORDINATES (Meters, Zone:13,NAD83)

Easting: Northing:

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2), to use an existing well constructed under permit no. 61929-F (expired), appropriating ground water tributary to the Colorado River, as an alternate point of diversion to the Avalanche Canal and Siphon, on the condition that the well shall be operated only when the West Divide Water Conservancy District's substitute water supply plan, approved by the State Engineer, is in effect, and when a water allotment contract between the well owner and the West Divide Water Conservancy District for the release of replacement water from Ruedi Reservoir is in effect, or under an approved plan for augmentation. WDWCD contract #020328SHS(a).
- 4) The use of ground water from this well is limited to ordinary household purposes inside two (2) single family dwellings and the irrigation of not more than 2,500 square feet of home gardens and lawns. All use of this well will be curtailed unless the water allotment contract or a plan for augmentation is in effect. This well is known as WELL #2.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The average annual amount of ground water to be appropriated by this well, in combination with the three other wells for Silt Heights Subdivision, shall not exceed 4.57 acre-feet.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 9) The well must be located not more than 200 feet from the location specified on this permit. *To 1/10/07*

APPROVED
JSG

Hal D. Simpson
State Engineer

[Signature]
By

Receipt No. 3610882A

DATE ISSUED 01-10-2007

EXPIRATION DATE 01-10-2008

Received Time Aug. 6. 4:27PM

WELL CONSTRUCTION AND TEST REPORT STATE OF COLORADO, OFFICE OF THE STATE ENGINEER		FOR OFFICE USE ONLY			
1.	WELL PERMIT NUMBER	61929-F			
2.	Owner Name(s): Terri Patrick Mailing Address: 1175 County Road 259 City, State, Zip : Silt, Co. 81652 Phone # :	APPROVAL # QWS31-91-03			
3.	WELL LOCATION AS DRILLED DISTANCES FROM SEC. LINES 775 ft. from South Sec. line and 200 ft. from East Sec. line OR SUBDIVISION: LOT: BLOCK: FILING (UNIT): STREET ADDRESS AT LOCATION	SE 1/4	SE 1/4	Sec: 28	Twp: 5 S Range: 92 W
4.	GROUND SURFACE ELEVATION	ft	DRILLING METHOD	Air Rotary	
	DATE COMPLETED: 10/3/2006	TOTAL DEPTH: 135	DEPTH COMPLETION: 135		
5.	GEOLOGIC LOG	6. HOLE DIAMETER (in)	FROM (ft)	TO (ft)	
	Depth	Type of Material (Size, Color, and Type)	9.0	0	40
	000-024	Clays, Silts	6.5	40	135
	024-135	Wasatch Formation			
		7. PLAIN CASING	OD (in)	Kind	Wall Size
			7.0	Steel	0.240
			5.5	PVC	0.250
			5.5	PVC	0.250
		PERF. CASING : Screen Slot Size	5.5	PVC	0.250
				50	135
	Water Located: 50, 125	8. Filter Pack Material : Size : Interval :	9. Packer Placement Type : Depth :		
	Remarks :	10. GROUTING RECORD			
		Material	Amount	Density	Interval
		Cement	5 sks	6 gal/sk	10-40
					poured
	11. DISINFECTION : Type : HTH	Amt. Used : 4 oz.			
	12. WELL TEST DATA : () Check Box If Test Data Is Submitted On Supplemental				
	TESTING METHOD : Air Compressor				
	Static Level : 30 ft.	Date/Time Measured	10/3/2006	Production Rate	7 gpm
	Pumping Level : Total ft.	Date/Time Measured	10/3/2006	Test Length :	2 hours
	Test Remarks :				
13.	I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. (Pursuant to Section 24-4-1-4 (13)(a) CRS, the making of false statements constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.)				
	CONTRACTOR : Shelton Drilling Corp.	Mailing Address : P.O. Box 1059			Basalt, Co. 81621
		Phone : (970) 927-4182			Lic. No. 1095
	Name / Title (Please Type or Print)	Signature	Date		
	Wayne Shelton / President		10/3/2006		



Colorado Department
of Public Health
and Environment

Laboratory Services Division
8100 Lowry Boulevard, Denver CO 80230-6928
US Mail: PO Box 17123, Denver CO 80217
(303) 692-3090 fax (303) 344-9989

Lab ID No.

MSA-2006002156

SAMPLE SITE

Terry Patrick

S. Well # 4

SAMPLE INFORMATION

Collected 10/20/2006 2:02:00P
Received 10/19/2006 1:45:55PM
Reported 10/23/2006
Collected By Matrix Drinking Water

CUSTOMER

J and M Pump Inc
8611 117 Road

Glenwood Springs, CO 81601

Contact Name

Contact Phone

COMMENTS

Purpose Routine Chlorine residual Payment Type Billed

Test Name	Result	Method Name
Escherichia coli PA	E. coli not detected	
Total coliforms PA	Coliform absent or less than one (<1), indicates a microbiologically safe sample	SM 9223

J & M Pump Inc.
 8611 County Road 117
 Glenwood Springs CO 81601
 Phone: 970-945-6159
 Cell: 970-948-6159
 Fax: 970-945-6159

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DATE: October 16, 2006

TO: Terry Patrick
 Box 561
 Rifle, CO. 81650

RE: Well Tests

Attn: Terry,
 J & M Pump Inc. performed two 4 hour well test on separate wells located atop Jewell Lane. The following results were obtained

	North Well	well #4 South Well # 65259
Well Depth:	164'	135'
Water Level:	28'4"	30'
Drawdown To:	159'	129'
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Clarity:	Clear	Clear
Recovery:	75% within 42 minutes	80% within 17 minutes
Sample:	Bacteria	Bacteria

Both wells yield adequate water production for the needs of 3.5 persons using 100 gallons per day per person.

Samples were sent to G J Lab. All water reading were measured from top of casing.

If you have any questions, please call Rick, 945-6159

J & M Pump Inc

Richard A Holub

Richard A Holub
 Lic. No 1196

WETLANDS DELINEATION REPORT



Beach Environmental, LLC

August 10, 2004

Ms. Terri Patrick
c/o Dan Dennison
High Country Engineers
1517 Blake Avenue, Suite 101
Glenwood Springs, CO 81601

Re: Wetland Delineation Report - Silt Mesa

Dear Terri:

At your request, Beach Environmental, LLC has undertaken and completed a wetland evaluation and delineation of the Patrick Property, 1175 Jewel Road, also known as County Road 259, near Silt, Colorado. The attached report is intended to provide you with a summary of our findings and the results of our evaluation of the property for wetland areas. Wetlands were found to exist upon the property in the locations shown on the attached mapping. There were no wetlands along the ditch course that extend beyond the 50 foot ditch easement except in the area of the small pond.

Consequently, prior to construction of any proposed improvements upon the property, you should have the staking of the wetlands surveyed and added to any site plan. If your plans require impact to any portion of the mapped jurisdictional wetlands we can prepare the proper applications to the U.S. Army Corps of Engineers and Garfield County. In order to complete any application I will need a legal description of the property and preliminary plans and designs detailing any proposed road crossing of the wetlands or impacts created by construction or infrastructure or both.

Please be aware that **no activity**, including dredge, fill or vegetation removal can occur within the delineated wetland area without prior receipt of a permit from the U.S. Army Corps of Engineers. Garfield County will require proof of a Nationwide or Individual Permit from the Corps prior to granting any permit which may impact wetlands.

If we can be of assistance in gaining the proper permits, please give me a call directly.

Sincerely,

By _____

Gary L. Beach, CES, CEI, RWS

0383wetland-report.wpd

WETLAND DELINEATION REPORT

This report and all work completed to delineate wetlands upon the Patrick Property has been completed in accordance with the 1987 "Corps of Engineers Wetlands Delineation Manual." Preliminary field work to identify and evaluate the existence of jurisdictional wetlands was completed on August 5, 2004 and all wetland areas were staked at that time. All work completed was at the request of Ms. Perri Patrick, property owner, whose address is 1175 County Road 259 (Jewel Lane), Rifle, Colorado 81650.

Property Description, Location and Acreage Evaluated

The property evaluated includes approximately 36.4 acres near Silt in Garfield County Colorado. The property is located approximately 3 miles northwest of Silt, Colorado along County Road 259 in Sections 27, 28 and 34 of Township 5 South, Range 92 West of the Sixth Principle Meridian. Please see attached site location map attached as Appendix A to this report.

An irrigation water ditch known as the Farmer's Irrigation Company Ditch traverses the property from the south to the north and west and crosses the lower half of the property before leaving the property's west boundary. Wetlands associated with the Patrick Property are associated with this ditch. There is a small pond that receives its water supply from the ditch.

The property is populated by upland vegetation including; pasture grasses such as wheatgrass, needle and threadgrass, cheatgrass, crested wheatgrass and timothy, as well as big sage, rabbit brush, plumeless thistle and yellow sweet clover. Vegetation within the ditch alignment, the area of the pond and the topographic lowlands along the irrigation ditch varies from phreatophytic plants including sedge, juncus, and rush to narrow leaf plantain and pasture grasses.

The 36.4 acres evaluated contains both upland and wetland communities. As will be described below, several areas upon the property exhibited conditions necessary to support a finding of jurisdictional wetlands. These areas have been staked and mapped and are included in Appendix B.

Narrative Description of Wetlands Evaluated & Delineated

The wetland evaluation was undertaken to determine those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. In order to qualify for jurisdictional protection, wetland areas must evidence proper hydrology, a dominance of hydrophytic vegetation, and the

existence of hydric soils. These three parameters were found on portions of the Patrick Property.

The weather in August was warm with very little precipitation preceding the site reconnaissance. The weather during was clear and sunny with temperatures during the evaluation at approximately 80 degrees Fahrenheit. The days preceding the field work were dry and irrigation ditches crossing the property were carrying water. Neither flood nor drought conditions were noted and man-made manipulations were limited to those impacts created by the irrigation ditch.

Of the 36.4 acres, work to delineate wetlands included all portions of the property and specifically the areas along the Farmer's Irrigation Company Ditch, the existing pond and immediately adjacent low land and the open pastures above and below the ditch. The area immediately to the west of the driveway and above of the ditch exhibited none of the parameters necessary to qualify as wetlands and was primarily populated by upland grasses and thistle and the soils were dry and hard. This area (see Appendix B) was determined to be an upland and vegetative cover was estimated at approximately 50% with primarily grass cover and open areas of silty clayey soils.

The area below the ditch on the mid-west portion of the property also exhibited similar upland characteristics except this land receives irrigation water from the ditch and has a higher level of vegetative cover. The vegetation in this area was still green while the grasses on many other parts of the property had started to dry up.

The ditch was carrying water and diversions from the ditch into the small pond saturated the soils adjacent to the ditch. Immediately adjacent to the pond the soils went from moist to saturated and covered with a thick layer of vegetation including Nebraska sedge (*Carex nebrascensis*), Colorado juncus (*Juncus confusus*), Merten's rush (*Juncus mertensianus*) and Tracy's rush (*Juncus tracyi*). Grasses along the water way included timothy, wheatgrass, barley, and crested wheatgrass. The sedge and rushes were found in the vicinity of the pond and along the ditch banks within 2-3 feet of the edge of the water line. These grasslike plants are typical to wetland areas and are commonly classified as obligate and facultative wet species.

In order to facilitate an accurate delineation and evaluation of the wetland area, Beach Environmental staked the jurisdictional wetland boundaries of the pond and the lowland areas adjacent to it. Beach Environmental then established additional wetland boundaries in areas immediately adjacent to the pond and the ditch.

Stakes and/or flags were placed at the vegetative break point between the wetlands and the upland areas and this break was very well defined. Flags were also placed in several locations along the ditch but no wetlands were identified beyond the ditch banks except in

the area of the pond.

Contained within this staked area were saturated soils, hydrophytic vegetation and decomposing organic materials, flowing water and soils that supported a finding of reduction of minerals. At this point, a finding of jurisdictional wetlands at this site was believed to exist and soil pits were completed at three locations within the wetland areas. These pits are identified on the mapping included as Appendix B. Soils within the drainage way were analyzed and had a consistency which supported a finding of silty clay soils. Iron reduction was apparent in the A Horizon through to a full depth of 16 inches.

Justification for Wetland Boundaries

The wetland boundaries indicated on the attached drawing were staked and confirmed by Beach Environmental. Wetland boundaries were established and staked in the field by Zac Matthews at limits defined by conditions including hydrologic, vegetative and topographic break points. These points were subsequently confirmed by Beach principal and environmental engineer Gary Beach. The entire area within the delineated boundary of the wetland contained the proper hydrology, a dominance of phreatophytic vegetation and hydric soils.

Consequently, it was determined that all three necessary characteristics of a jurisdictional wetlands were present in the area of the pond based on both primary and secondary indicators. One secondary indicator for the soils is the peraquic conditions noted during the field investigations. Such anaerobic soil conditions are found within the development cycle of hydric soils and can be used to determine the existence of this parameter. Vegetation included sedge, rush and juncus as dominant species and water from the ditch provided the proper hydrologic regime.

Existing Field Conditions

The Patrick Property contains uplands, transitional areas and both jurisdictional and non-jurisdictional wetlands. The lands below the ditch to the west have been pastured, irrigated and grazed of hay grasses. The areas immediately above the ditch have not been irrigated and vegetation is a mix of pasture and dryland grasses. Areas within the ditch have not been recently disturbed and the ditch banks support both pasture grasses and sedges. Areas surrounding the pond have not been grazed nor have they been disturbed and have a thick vegetative covering of Nebraska Sedge, Colorado Juncus and rush.

Hydrologic Source

The source of water for all wetland areas delineated appears to come from irrigation diversions, ditch seepage and irrigation return flows. The property above the ditch

receives only natural precipitation and as a result the land is currently dry and vegetative cover is much less than in areas receiving water from the ditch.

Plant Communities Noted

The property is located in an historically agricultural area of Garfield County. A small portion of the property has been historically irrigated. There are several small areas where plumeless and Canadian thistle exist but the dominant vegetative communities upon the property include common pasture grasses such as wheatgrass (*Agropyron tracyalum*), timothy (*Phleum pratense*), needle and threadgrass (*Stipa comata*), and foxtail barley (*Hordeum jubatum*).

The vegetative community of the delineated wetlands includes and Nebraska sedge (*Carex nebrascensis*), Merten's rush (*Juncus mertensianus*), Creeping Spikerush (*Eleocharis macrostachya*), and Colorado juncus (*Juncus confusus*), and grasses including Timothy (*Phleum pratense*) and slender wheatgrass (*Agropyron trachycaulum*).

There was no shrub layer of vegetation within the wetlands. The wetland indicator status of the sedges and rushes contained on site is obligate. The indicator status of the spikerush is obligate. Consequently, the dominant vegetative species within the wetland boundary have a 67% to 99% probability of occurrence in wetlands.

Soil Description and Mapped Area

The soils of the area have been mapped by the U.S. Department of Agriculture and are included in the Soil Survey of Rifle Area, Colorado, Sheet 10. This mapping confirms soils and conditions noted at the Patrick property and includes soils comprised primarily of Potts loam on slopes approximating 3% - 6%. The Potts soil is deep and well drained and is formed in alluvium derived dominantly from sandstone, shale and Basalt. Permeability is moderate and available water capacity is high. Water was found to within three inches of the surface in soil pits in wetland areas. These soils are used for dryland and irrigated pastures such as found on the Patrick property.

Observed colors for the soils within the wetland area ranged between brown to dark grey/brown throughout. A cut of these soils indicated the upper horizon color, chroma and hue to be (7.5YR 6/6) sandy loam, which appeared as a dark brown (10.5YR 6/5) when moistened. The soil when moistened was soft, very friable and mildly silty. A Munsell Soil Color Chart was used to determine color, chroma and hue and mottle color was determined to be 7.5YR 5/6. Reduction of iron was present at just below the surface throughout the sample. A high level of organic content was found to approximately 11" in the pits adjacent to the wetland areas.

Observed Interstate or Foreign Commerce Connection

No connection to any interstate or foreign commerce was noted, including; no recreation or other use by travelers; no sale of fish, shellfish or other aquatics appeared to be possible; and there was no industrial, agricultural or commercial use of the Patrick Property being made at the time of the wetland evaluation/delineation.

Waters of the United States

There were no navigable water ways, and no special aquatic sites (except wetlands) noted on the property. The Farmer's Irrigation Company Ditch traverses the property and receives its supply from Harvey Gap Reservoir (a.k.a. Grass Valley Reservoir), a federal water storage project. The ditch appeared to be in good condition and to have been maintained in accordance with local custom and standards. There was no indication of any waterfowl or other migratory birds upon the property. The small pond, which is fed by the ditch, was not being used by any water fowl at the time of the site reconnaissance.

Contact Information

Ms. Terri Patrick
1175 County Road 259
Rifle, Colorado 81650
970-625-2534

Report completion date:
August 10, 2004

Completed by:

Zac Matthews, Delineator
Gary L. Beach, CES, CEI, RWS
Beach Environmental, LLC
715 West Main Street
Suite 304
Aspen, Colorado 81611
970-925-3475

Email to:
gary@beachresource.com

Appendix A

Vicinity Map



[Send To Printer](#)

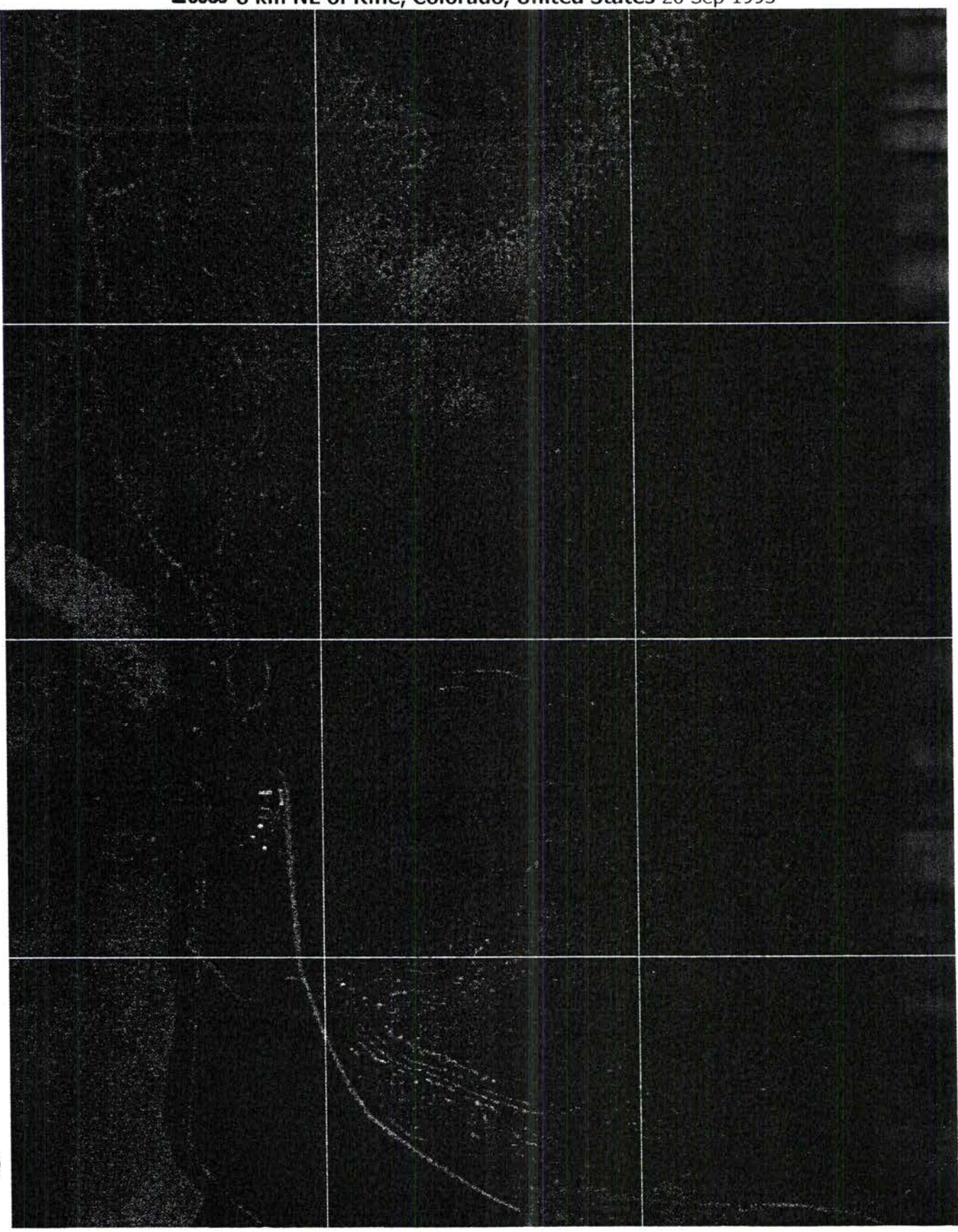
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[Change to 11x17 Print Size](#)
[Landscape](#)

[Show Grid Lines](#)

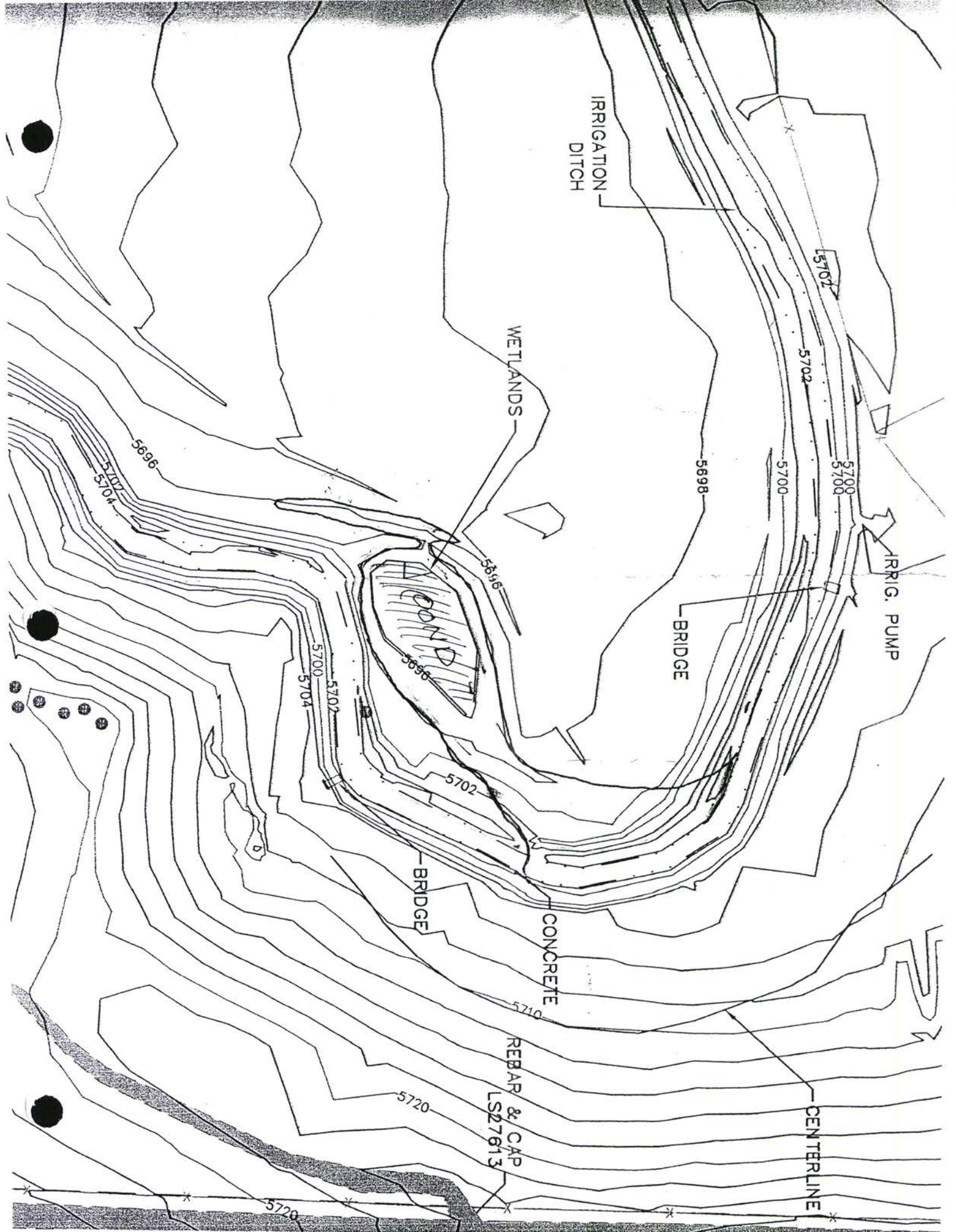
[Change to](#)

USGS 8 km NE of Rifle, Colorado, United States 20 Sep 1993



Appendix B

Wetlands Boundary Map



IRRIGATION
DITCH

WETLANDS

BRIDGE

IRRIG. PUMP

BRIDGE

CONCRETE

REBAR & CAP
LS27613

CENTERLINE

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5704

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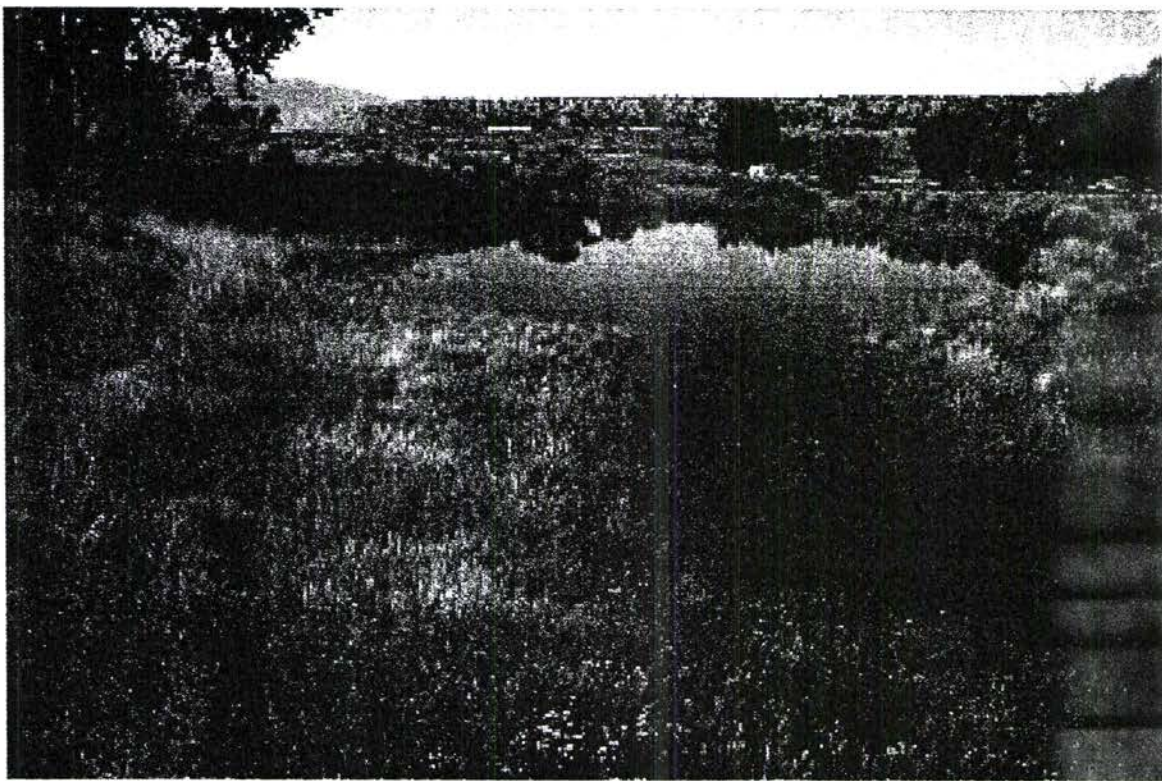
Appendix C

Site Photographs

PATRICK WETLANDS DELINEATION

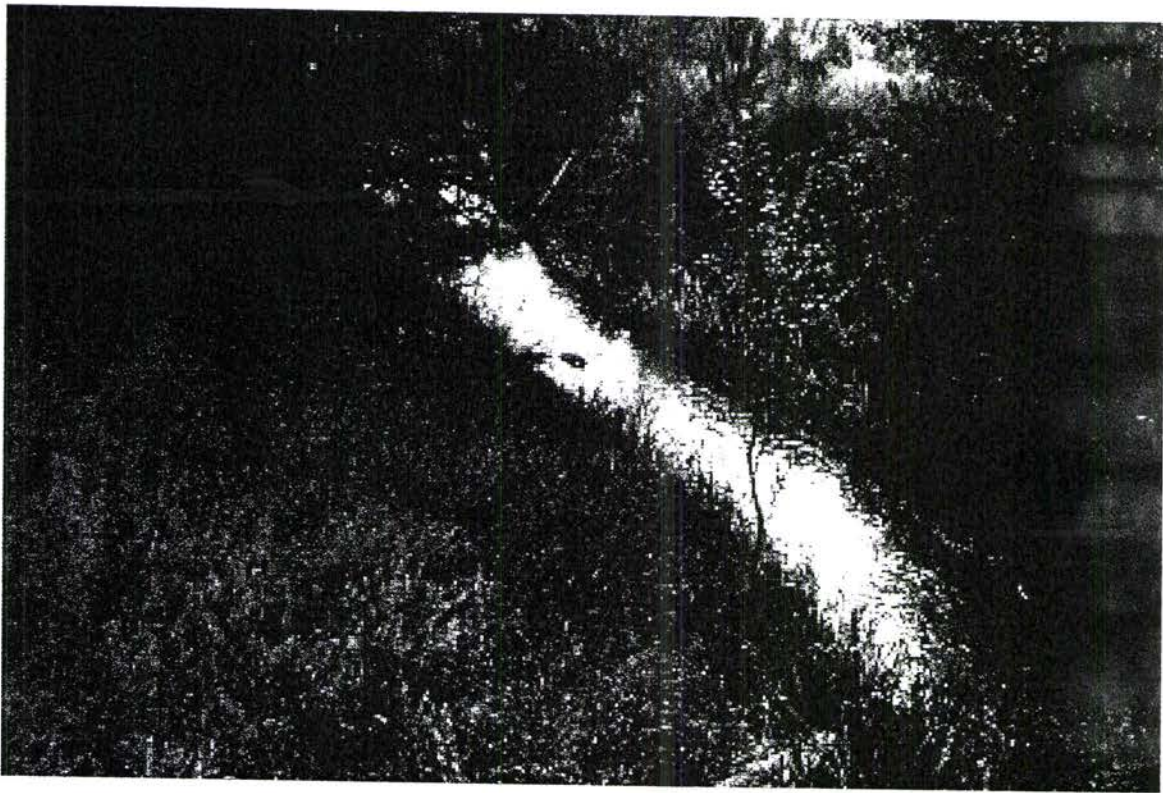


View south towards pond of wetland

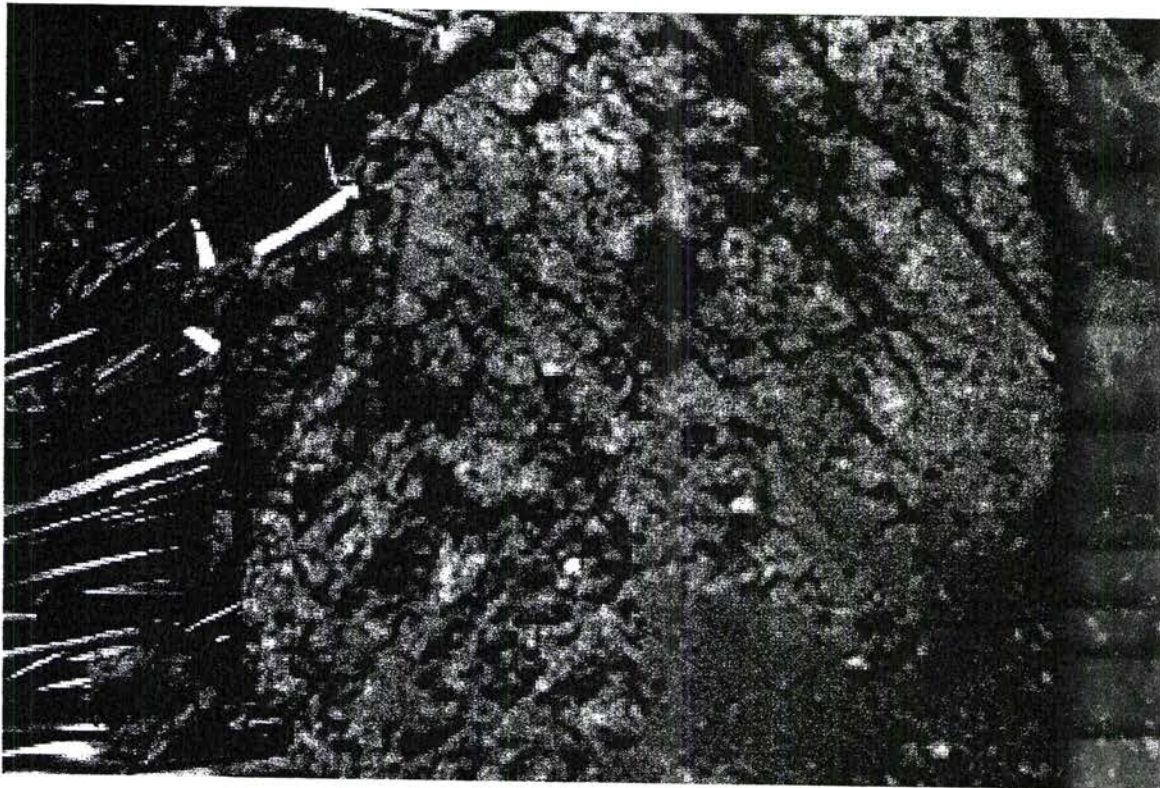


View west of pond

PATRICK WETLANDS DELINEATION

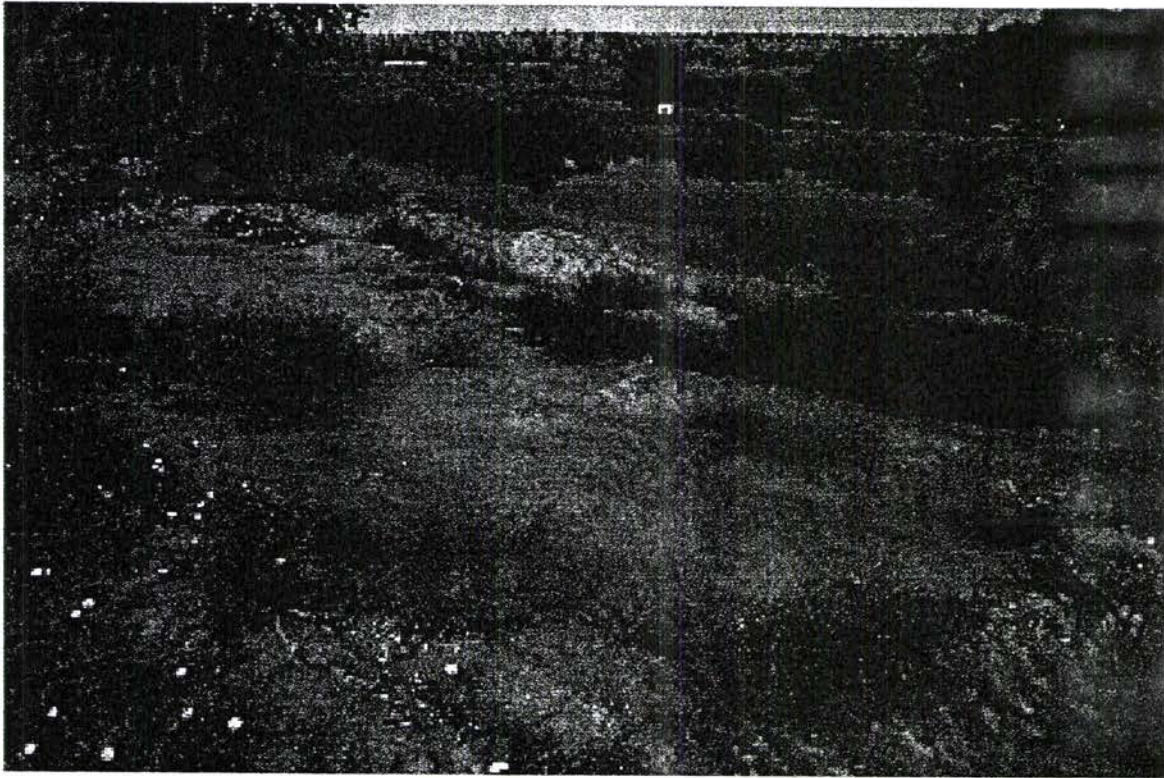


View of Farmer's Irrigation Company Ditch



Iron reduction in soil

PATRICK WETLANDS DELINEATION

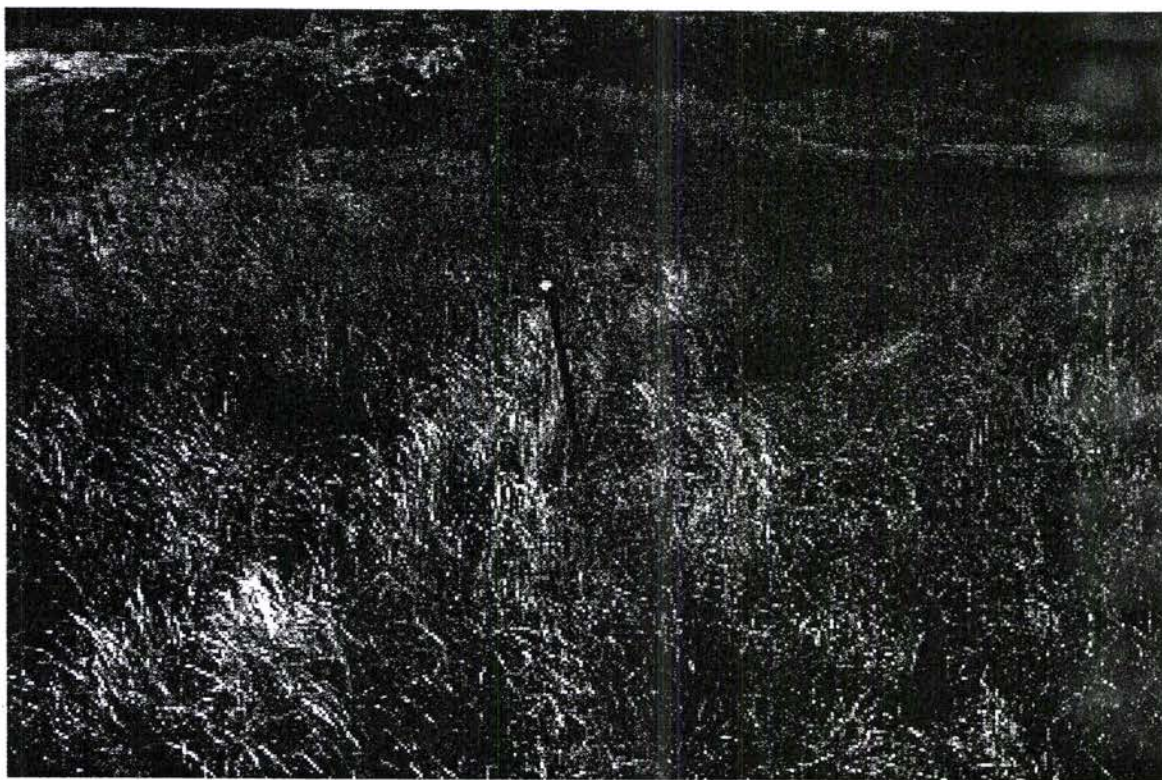


View of wetlands adjacent to pond below ditch

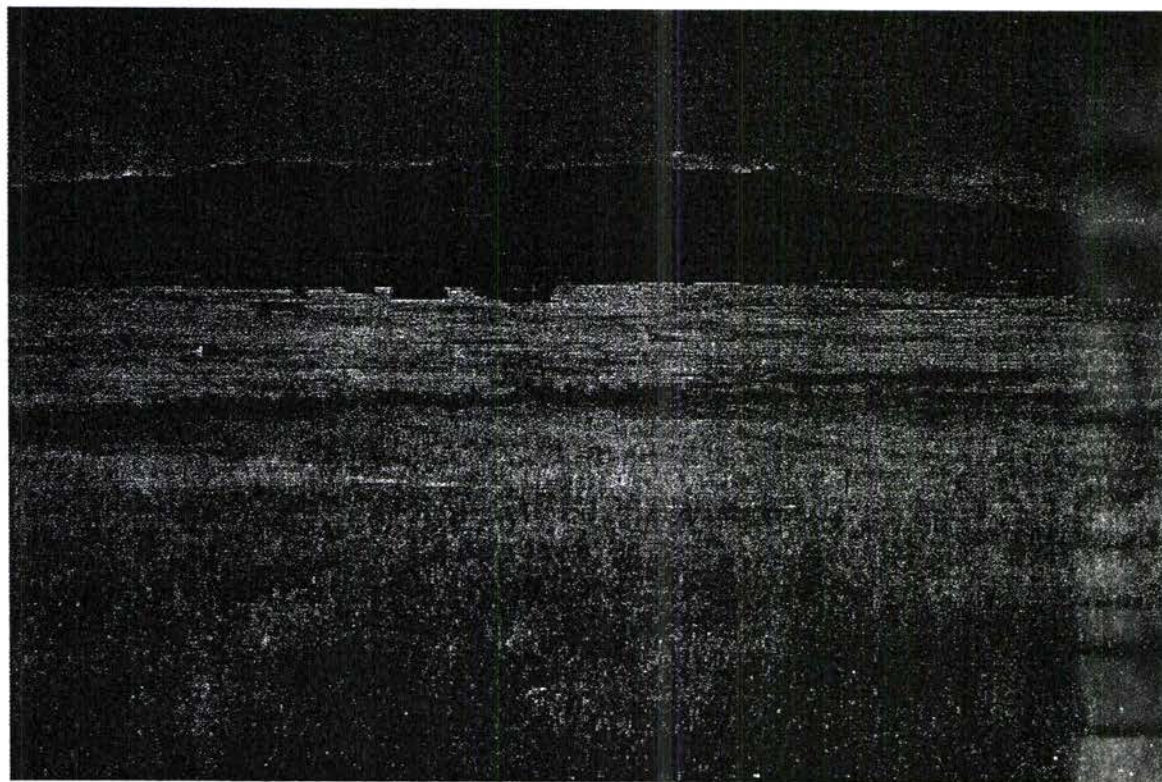


Wetland and upland vegetation along ditch

PATRICK WETLANDS DELINEATION

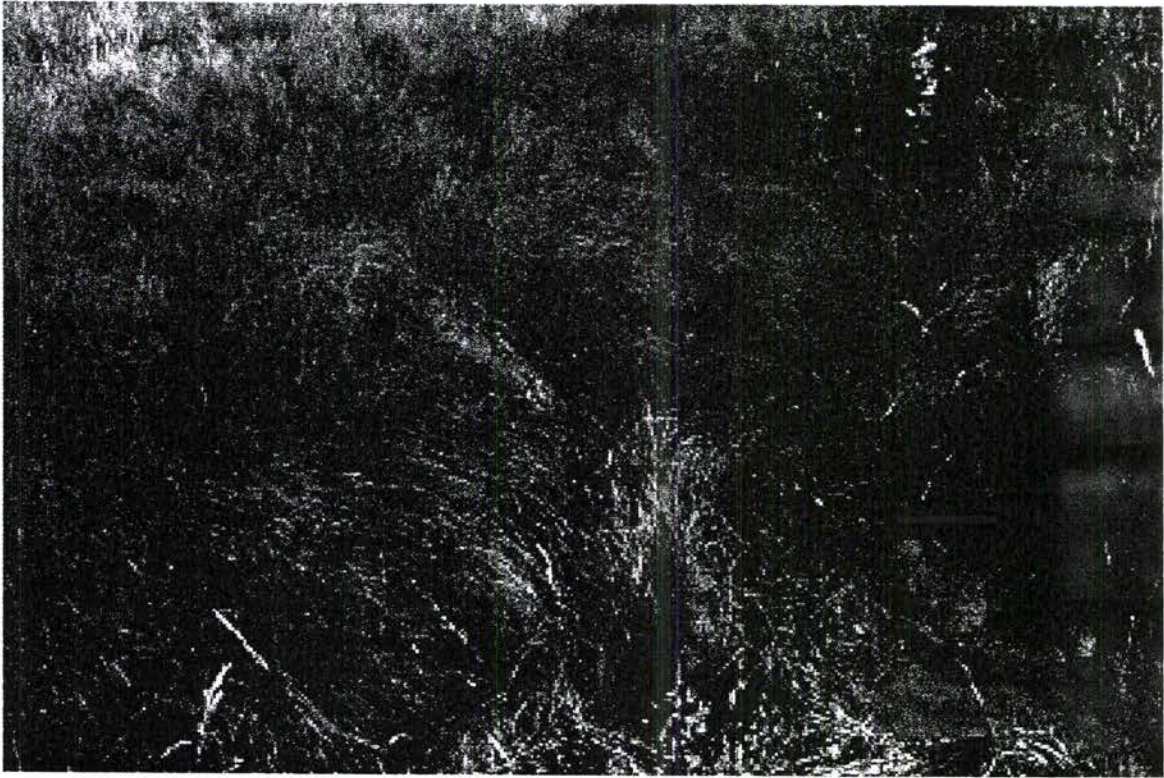


Soil Pit No. 1



View south from Patrick Home

PATRICK WETLANDS DELINEATION



View of wetlands west of pond

WILDLIFE REPORT

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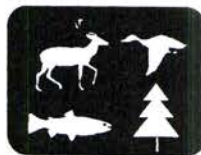
WILDLIFE REPORT FOR THE PROPOSED SILT HEIGHTS SUBDIVISION

Prepared for

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INTRODUCTION

Terri Patrick has proposed development of Silt Heights Subdivision to the northwest of Silt, Colorado (Fig. 1). The proposed development would allow for 4 lots on 36.4 acres of land (Fig. 3). Colorado Division of Wildlife (CDOW) former District Wildlife Manager Don Crane recommended to the Garfield County Planning Department that a wildlife consultant be retained to evaluate the impacts of the development on wildlife and to minimize wildlife-related problems (Fig. 2). High Country Engineering requested that I prepare a wildlife report for the proposed subdivision.

DESCRIPTION OF AREA

The proposed subdivision occurs in a portion of Sections 27, 28 and 34, T5S, R92W, 6th Principal Meridian, Garfield County, Colorado. The location of the development is at the termination of County Road 259 approximately 3 miles northwest of Silt, Colorado. The land is gently/moderately sloping to flat and has been used historically for grazing by horses and cattle. The elevation is approximately 5,700 feet. Approximately 55% of the property consists of vegetation dominated by sagebrush, rabbitbrush, and greasewood. Sagebrush height varies from 6-7 feet on the southern portion of Lot 1 to 1.5 to 2.5 feet on Lots 2 and 3. Tamarisk trees are scattered among the sagebrush on Lot 1.

Approximately 35% of the proposed development contains nonirrigated grasslands dominated by cheatgrass. The western portion of Lot 3 consists of irrigated grassland comprised of timothy, clover, and wet-meadow grasses. An irrigation ditch enters the property on the western boundary of Lot 4 and meanders through Lots 2, 3 and 4. A small diversion gate on the irrigation ditch is used to flood irrigate the western

portion of Lot 3 (Fig. 3). Water flowing from the diversion gate is also used to supply a small (110' x 45') pond located near the southern boundary of Lot 3. A residence and outbuilding are located on Lot 4. The entire property is surrounded by a barbed wire fence.

Trees are generally absent on the property. Four plains cottonwood trees occur on Lot 1 and a single large plains cottonwood occurs adjacent to the pond on Lot 3. Three Siberian elm trees occur adjacent to the irrigation ditch on Lot 3.

WILDLIFE FIELD SURVEY

I conducted a wildlife field survey on the 36-acre property from 0630 to 0830 on August 20, 2000. No reptiles or amphibians were observed. The only mammal sighted was the cottontail rabbit (7 individuals). I found evidence (droppings) of prior use by mule deer. One old group of elk pellets was found on Lot 2. Three skunk denning sites (burrows) occur on Lots 1 and 2. Birds observed were the rufous hummingbird, killdeer, black-billed magpie, common grackle, mourning dove, European starling, western meadowlark, American kestrel, mallard, tree swallow, and Vesper sparrow.

INTERVIEW WITH TERRI PATRICK

Landowner/developer Terri Patrick has lived on the proposed subdivision for approximately three years. She lives in a house located on Lot 4. I interviewed her on August 20, 2000 and questioned her about wildlife she had observed on the property. Ms. Patrick reported that frogs move to the pond on Lot 3 when it is being filled by water from the irrigation ditch. Based on a photograph I showed her, Ms. Patrick identified the species as the northern leopard frog. Ms. Patrick has not observed other species of

amphibians on the property. She has seen two species of reptiles: the eastern fence lizard and water snake. Mammals observed over the past three years include the mule deer, bats, jackrabbit, skunk, coyote, and red fox. Deer apparently use the area primarily during the winter. Although I found one old group of elk pellets, Ms. Patrick did not report seeing elk on her property. Birds sighted and/or heard by Ms. Patrick include swallows, ring-neck pheasant, mallard, bluebird, hummingbird, vulture, and wild turkey.

INTERVIEW WITH DON CRANE

Prior to his recent retirement, Don Crane was a District Wildlife Manager for the Colorado Division of Wildlife and had administrative responsibility for the area encompassing the proposed Silt Heights Subdivision. Since 1984, Mr. Crane has lived in a house located approximately 2 miles southeast of the proposed subdivision. On May 26, 2000 I interviewed Mr. Crane and asked him questions about wildlife on a proposed 78-acre development (Mamm's View Subdivision) to the northwest of his residence. Because of the relatively close proximity of the Silt Heights Subdivision to the Mamm's View Subdivision (they are 1.25 miles apart), I will discuss some of the interview results as they may generalize to the Silt Heights Subdivision.

Mr. Crane reported that he had not seen amphibians in wetland areas and drainage areas in this area of Silt Mesa. He has observed various species of snakes (water snake, gopher snake, and garter snake). DWM Crane reported that common birds in the area include the magpie, western meadowlark, western kingbird, American robin, starling, red-winged blackbird, turkey vulture, ring-necked pheasant, pigeon, and crow. Common mammals in the area include the cottontail rabbit, mule deer, red fox,

striped skunk, raccoon, and various species of small rodents (e.g. house mouse, deer mouse, meadow vole, thirteen-lined ground squirrel).

I asked DWM Crane about concerns, primarily wildlife-related, he had about the proposed Mamm's View Subdivision. I believe that his concerns would apply to the Silt Heights Subdivision. He had the following suggestions and remarks:

1. Fences installed around lots should not entangle deer.
2. Residents of the subdivision need to be aware that the CDOW does not compensate homeowners who have damage caused by wildlife to landscape plants and gardens.
3. If a homeowner has a horse and stores hay during the winter, the hay should not be accessible to deer.
4. Dogs need to be confined or controlled.
5. Junk vehicles, construction scrap piles, discarded appliances, and similar items should not be allowed since they can draw skunks.
6. Household trash should be secured to reduce problems with raccoons and skunks.
7. All utilities should be buried.
8. The only horses allowed should be mares and geldings (no stud horses).

I will address Mr. Crane's suggestions later in this report.

I asked DWM Crane if development would impact any federal or state threatened or endangered wildlife or Colorado species of special concern. In his opinion, the subdivision will not affect any threatened, endangered, or special concern species.

WILDLIFE INFORMATION FROM NDIS

Databases accessed for preparation of this report included the Natural Diversity Information Source (NDIS) and the System for Conservation Planning (SCoP) [www.ndis.nrel.colostate.edu]. NDIS and SCoP are a collaborative effort of the Colorado Division of Wildlife, the Colorado Department of Natural Resources, the Colorado Natural Heritage Program, and Colorado State University. SCoP provides maps of activity areas of wildlife species, maps of element occurrences (e.g. species, subspecies, populations, natural communities), maps of conservation sites, and maps of suitable habitat. Habitat suitability maps are created by dividing land in a county into 100 X 100 meter cells and determining if a species has an affinity for the vegetation cover in a cell, if the cell is within the elevation range of the species, and if the cell is sufficiently close to water for species that require access to free water, such as ponds, streams, and lakes. It is important to note that although suitable habitat may exist for a species in a particular area, this habitat may not be occupied by the species.

I selected a user-defined area slightly larger than the proposed subdivision and had NDIS generate a list of amphibians, reptiles, birds, and mammals for which existing or potentially suitable habitat is reported to occur on the proposed subdivision.

Universal Transverse Mercator (UTM) coordinates selected to define the search area were N 4384880 E 266916, N 4384880 E 267238, N 4384357 E 266916, and N 4384357 E 267238. Tables 1-4 list species of amphibians, reptiles, mammals, and birds, respectively, for which suitable habitat is reported to exist on the Silt Heights Subdivision. Tables 1-4 do not list all species of wildlife which utilize the proposed subdivision. NDIS generates information about selected species in an area and

emphasizes endangered, threatened, rare, imperiled and uncommon wildlife. The presence of suitable habitat for a species on the project area does not necessarily lead to the conclusion that the species occurs on the site.

Amphibians

NDIS identified suitable habitat on the proposed subdivision for the following species of amphibians: canyon treefrog, Great Basin spadefoot, New Mexico spadefoot, northern leopard frog, red-spotted toad, and boreal toad (Table 1). I did not see or hear any amphibians near the pond, in the wetland adjacent to the pond, or along the ditch edges of the proposed subdivision. Ms. Patrick reported seeing the northern leopard frog on the property. DWM Don Crane has not encountered any of the NDIS-selected species in the general area of the subdivision.

NDIS identified suitable habitat for the canyon treefrog on the northern portion of the proposed subdivision (Fig 4). The canyon treefrog is a state species of special concern. The canyon treefrog occurs along intermittent streams in deep rocky canyons. Scattered cottonwood trees often occur along inhabited stream courses and pinyon-juniper woodland occurs on the canyon slopes. These habitat features do not occur on the proposed development. In addition, the canyon treefrog has not been reported to occur on Silt Mesa (Hammerson 1985:34). This species is known to occur in western Colorado along the south rim of the Colorado River valley west of Grand Junction and in John Brown Canyon (Mesa County). Development of the Silt Heights Subdivision will not impact the canyon treefrog.

The boreal toad is a high elevation (7,000 feet - 12,900 feet) toad that lives in suitable habitat in lodgepole pine, spruce-fir forests and alpine meadow areas. It has

been found in shallow water or among sedges and shrubby willows where the soil is damp or wet. The proposed development site does not contain the habitat features required by the boreal toad and is below the lower elevational limits at which the boreal toad is found. Don Crane reported that the boreal toad does not occur on Silt Mesa.

The northern leopard frog is a state species of special concern. NDIS mapped suitable habitat for this species on the proposed Silt Heights Subdivision (Fig. 5). The northern leopard frog typically inhabits the banks and shallow portions of marshes, ponds, lakes, reservoirs, beaver ponds, streams and other bodies of permanent water, especially those having rooted aquatic vegetation. It also inhabits irrigation ditches and wet meadows. Landowner/developer Terri Patrick reported seeing leopard frogs in/near the small pond located on Lot 3. Development of the Silt Heights Subdivision will not have a significant impact on the northern leopard frog if the irrigation ditch is left intact, if the small pond is kept in its present state, and if the small wetland adjacent (northeast) to the pond is retained.

Reptiles

NDIS identified suitable habitat on the proposed subdivision for the following species of reptiles: eastern fence lizard, many-lined skink, midget-faded rattlesnake, milk snake, racer, short horned lizard, longnose leopard lizard, night snake, and southwestern blackhead snake (Table 2). I did not observe any reptiles during my wildlife field survey and, with the exception of the eastern fence lizard, I would not expect the above species to occur on the site. Ms. Patrick reported seeing water snakes and the eastern fence lizard on the property. DWM crane reported having seen garter, water, and gopher snakes in the general area. The eastern fence lizard, garter

snake, water snake, and gopher snake are not considered endangered, threatened, or of special state concern.

The midget-faded rattlesnake is a state species of special concern. NDIS mapped the entire proposed development as being suitable habitat for this species (Fig. 6). The snake is one of two subspecies of rattlesnakes in Colorado (the other subspecies is the prairie rattlesnake). Rattlesnakes occur in virtually every terrestrial habitat within its broad geographic and elevational range in Colorado. Typical habitats include plains grasslands, sandhills, mountain and semidesert shrublands, sagebrush, riparian vegetation, pinyon-juniper woodlands, and open coniferous forests. Ms. Patrick has spent hundreds of hours walking on her property and has never seen a rattlesnake. Don Crane never saw a rattlesnake near the proposed development in the 16 years he lived in the area. Although Silt Heights Subdivision contains habitat suitable for the midget-faded rattlesnake, in my opinion the species does not inhabit the area and thus will not be affected by development.

NDIS identified suitable habitat for the southwestern blackhead snake on the proposed Silt Heights Subdivision. This reptile is a state species of special concern. It is known to occur along the edge of the Grand Valley in west-central Colorado but has not been reported for Silt Mesa. It has been previously found in the mouths of large canyons in areas dominated by sandy, rock-laden soils and dryland shrubs (e.g. sagebrush, greasewood, saltbrush). Neither Ms. Patrick nor Don Crane have observed this species in the general area encompassing the proposed subdivision. Although Silt Heights Subdivision contains habitat suitable for the southwestern blackhead snake, in

my opinion the species does not inhabit the area and thus will not be affected by development.

Mammals

NDIS identified suitable habitat on Silt Heights Subdivision for 34 species of mammals (Table 3).

Black bears are rarely sighted in the area and mountain lion occurrences are extremely rare. DWM Crane did not foresee any potential conflicts between residents of the proposed subdivision and bears and lions.

Suitable habitat is mapped for Botta's pocket gopher (Fig. 12) and the northern pocket gopher. I did not observe these species or see evidence of their presence on the proposed subdivision (e.g. complex burrow systems, conspicuous earthen ridges). According to Fitzgerald et al. (1994:203, 206), Botta's pocket gopher does not occur in Garfield County and the northern pocket gopher does not occur in the area encompassing the proposed subdivision.

It is not likely that the dwarf shrew occurs on the site. The dwarf shrew, Colorado's smallest-bodied mammal, is typically found at higher elevations (above 5,500 feet). It is possible that masked, desert and Merriam's shrews occur in the area. None are considered endangered, threatened, or state species of special concern.

Suitable habitat on the proposed subdivision was identified for the least chipmunk. Least chipmunks excavate burrows beneath tree roots, fallen logs, or rocks and bushes, and also use these areas for feeding platforms and observation posts. Some of these habitat features are present on Silt Heights Subdivision. I did not observe the least chipmunk during my field survey and Ms. Patrick has not observed

chipmunks during the three years she has lived on the property. Although suitable habitat exists, my opinion is that the least chipmunk does not occur on the site but occurs at higher elevations.

NDIS identified suitable habitat for 6 species of bats: spotted bat, Townsend's big-eared bat, Yuma myotis, big free-tailed bat, Brazilian free-tailed bat, and fringed myotis. The spotted bat is restricted to extreme northwestern Colorado, the Yuma myotis occurs west of the proposed subdivision, and Townsend's big-eared bat occupies the western one-half of Colorado. Habitat for the Brazilian free-tailed bat occurs north and south of the Colorado River in Garfield County. The big free-tailed bat has not been reported for Garfield County (Fitzgerald et al. 1994:129). Only five scattered records exist from Mesa, Otero, El Paso, Gunnison, and Weld counties. The fringed myotis has not been reported for the area encompassing the proposed development.

Bats use caves, mines, buildings, woodpiles, rockpiles, and trees for day and night roosting sites. The general absence of these features on the site of the proposed subdivision reduces the importance of this area to bats for roosting habitat. Although Ms. Patrick has not observed bats in the area, DWM Crane has observed bats over the years feeding in the general area. They are likely big and little brown bats.

Development of Silt Heights Subdivision will not have a noticeable impact on bats.

Endangered/threatened mammals for which NDIS identified suitable habitat are the northern river otter, kit fox, and lynx. The northern river otter does not occur on the property. The kit fox can be found in extreme southwestern Garfield County along the Utah border but does not occur on Silt Mesa. The Canada lynx is a federally threatened

and Colorado endangered species. Colorado is on the southern edge of historic lynx range, and before reintroduction in 1999, there had been no confirmed sightings in the state since 1973. Forty-one lynx were released near Pagosa Springs in February 1999 and an additional release was made in the same area this past winter. Some of the male lynx wandered as far as New Mexico, Wyoming, and Nebraska,

In the southern Rocky Mountains, lynx are found predominantly above 7,800 feet. Vegetation affinities include aspen, spruce fir, spruce-fir clearcuts, Douglas fir, blue spruce, lodgepole pine clearcuts, limber pine, white fir, bristlecone pine, mixed conifer, mixed forest, and shrub tundra. The proposed Silt Heights Subdivision is below the elevation at which lynx occur in Colorado and does not contain the vegetation types associated with lynx habitat. In addition, the proposed Silt Heights Subdivision lies outside of potential lynx habitat identified by the CDOW (Fig. 15). Development of Silt Heights Subdivision will have no direct impact on lynx or lynx habitat.

It is likely that the house mouse, deer mouse, and meadow vole occur on the proposed subdivision. The deer mouse and meadow vole probably occur near the pond, in and near the wet meadow area to the west of the pond, and along the irrigation ditch. None of these mammals are considered threatened, endangered, or of special state concern.

NDIS identified suitable habitat for the following small mammals of state special concern: silky pocket mouse, western harvest mouse, white-tailed antelope squirrel, and white-throated woodrat. The silky pocket mouse is generally not found in the western one-half of Colorado. Historical range of the western harvest mouse and white-tailed antelope squirrel is southwest of the proposed development. The white-throated

woodrat is largely confined to southeastern and southwestern Colorado. In my opinion, development of Silt Heights Subdivision will have no significant impact on the aforementioned small mammals of state special concern.

Mule deer use the site, primarily during the winter. The area is considered deer overall range, deer winter range, and a deer resident population area (Figs. 13, 14). The site for the proposed subdivision does not constitute critical mule deer habitat (Figs. 13, 14).

Mule deer will be affected to some degree by development. Movement through the subdivision and use of the area for feeding and bedding will be reduced. The impact on mule deer can be lessened by retaining native vegetation, particularly sagebrush, on those portions of lots not developed into residences, lawns and outbuildings, and entrance roads. Mule deer will continue to feed at night on vegetation in the subdivision following development.

Elk occur in the area very rarely during unusually severe winters. Don Crane did not foresee any impact in the general area of the development on elk.

Development of Silt Heights Subdivision will not have a significant impact on critical habitat for any mammal species. It does not support a large diversity of mammal species or a large number of individuals. The key to lessening impact on mammals in the development is to retain natural areas outside of residences, lawns and outbuildings, and driveways.

Birds

NDIS identified suitable habitat on the proposed subdivision for 73 species of birds (Table 4). I will first address species which are classified as federally or state threatened or endangered, or are considered state species of special concern.

The bald eagle is a federal and state threatened species. Bald eagles can commonly be seen flying over the Colorado River and can be seen perched on tall cottonwood trees along the Colorado River during the winter. However, they do not use the proposed subdivision site. Don Crane has occasionally seen bald eagles flying over but not landing in the general area of the proposed subdivision. Ms. Patrick has never seen a bald eagle in the vicinity of the proposed Silt Heights Subdivision.

Barrow's goldeneye is a state species of special concern. It is a rare winter resident and spring and fall migrant in western valleys. In some years it may be locally uncommon along the Colorado River and its tributaries. Barrow's goldeneye prefers reservoirs, rivers, and mountain ponds. Silt Heights Subdivision will have no impact on Barrow's goldeneye.

The ferruginous hawk, a state species of special concern, is common in winter in eastern Colorado but is rare or uncommon in other areas and seasons. It may occasionally be seen during migration in Garfield County. Don Crane has not observed the ferruginous hawk near the proposed subdivision.

The greater sandhill crane is a state species of special concern. Don Crane has observed sandhill cranes in the area over the years but considers them very uncommon. Ms. Patrick has never observed cranes on the proposed Silt Heights Subdivision.

NDIS identified suitable habitat for the federally and state threatened Mexican spotted owl on the site (Fig. 8). This species occupies two distinct habitat types in Colorado. The first consists of large, steep canyons with exposed cliffs and dense, old growth mixed coniferous forests. The second consists of canyons in pinyon-juniper areas with small and widely scattered patches of Douglas fir. Summer roosting sites are in a cool microclimate, generally with a closed canopy and/or on a north-facing slope. All known Colorado nesting sites consist of small scrapes in caves or crevices on steep cliff faces. Although NDIS mapped suitable habitat (presumably prey habitat) for the spotted owl on the proposed subdivision, the species does not occur in the area. Don Crane has not observed the Mexican spotted owl in the area.

Habitat for the sage grouse, long-billed curlew, and mountain plover, state species of special concern, was identified on the site. None of these species occur in the area as a resident or as a migrant.

The southwestern willow flycatcher (SWWF) is a federal and Colorado endangered species (Fig. 9). The SWWF is a riparian obligate, nesting only in dense, mesic riparian habitats, particularly areas dominated by willows. Willows do not occur on the proposed Silt Heights Subdivision. I have observed the SWWF along the Colorado River between Rifle and Silt. The absence of dense riparian habitat dominated by willows on the proposed subdivision precludes nesting by the SWWF on the property.

NDIS identified suitable habitat for the state-threatened western burrowing owl on the proposed subdivision. The owl is called a "burrowing owl" because it nest and roosts in abandoned burrows dug by mammals, especially prairie dogs. Burrowing owls

strongly prefer burrows in active black-tailed prairie dog towns. The burrowing owl is a winter visitor in eastern Colorado and a summer resident in extreme southern Garfield County. It does not occur in the vicinity of the proposed Silt Heights Subdivision.

The whooping crane (Fig. 7) is a federal and Colorado endangered species. It is an uncommon spring and fall migrant in the San Luis Valley and is a casual migrant on the eastern plains. Although Garfield County lies outside of areas of fairly common migrational sightings in Colorado, I observed a single whooping crane 6 years ago in a marsh south of the Colorado River between Silt and Rifle. Don Crane has not observed whooping cranes on Silt Mesa.

Development of Silt Heights Subdivision will primarily affect bird species associated with grassland and sagebrush habitat (e.g. ring-necked pheasant, western meadowlark, vesper sparrow). Grassland/hayland is abundant on Silt Mesa and sagebrush habitat is scattered along the northern fringes of Silt Mesa. Displaced birds can easily find suitable habitat. If natural areas outside of building envelopes, lawns and outbuildings, and driveways on lots in the Silt Heights Subdivision are not converted to other vegetative types, bird species currently utilizing the property will utilize these natural areas.

THREATENED AND ENDANGERED SPECIES

Colorado endangered, threatened and wildlife species of special concern are listed in Table 5. Federal threatened and endangered species reported for Colorado are listed in Table 6. After reviewing available information and reports, conducting a wildlife field survey, and interviewing former DWM Don Crane, I do not believe there are

any federal or Colorado threatened or endangered vertebrates, or Colorado species of special concern, which would be negatively impacted by the proposed subdivision.

DOGS AND PET CONTROL

Free-roaming dogs can have a substantial impact on deer. Free-roaming dogs include dogs normally around residences and occasionally wandering off and feral dogs (domesticated at one time but now semi-wild or wild). Free-roaming dogs can injure, disable and kill deer. Dog chases can also result in aborted young and a weakened physical condition in deer. It is necessary that dogs be controlled in the subdivision for the safety of residents and to curb harassment and killing of wildlife.

I recommend the following control measures for Silt Heights Subdivision:

- A. No dwelling unit should house more than three dogs and offspring up to three months of age. I have previously seen recommendations for subdivisions in Garfield County that limit dogs to one per household. Dogs are an important part of life for many people and I think it is important to allow up to three dogs per household. Properly controlled or confined, dogs will not affect wildlife.
- B. At no time should dogs be allowed to run freely outside of a dog owner's lot.
- C. When outside a resident's lot on Silt Heights Subdivision, dogs should be leashed (dogs being transported into and out of the subdivision by motor vehicle would obviously not be required to be leashed).
- D. When outside the residence on an owner's lot, dogs should be controlled by:
 - 1. Confinement in an area bound by an aboveground fence;
 - 2. Confinement in a kennel;

3. Confinement in an area bounded by an invisible electric fence attached to a dwelling unit;
 4. A leash; or
 5. Attachment by a tether to a fixed, immovable object. The tether length should not allow the dog to trespass on another owner's lot.
- E. Dogs should not be allowed to chase or molest wildlife or any domestic animals or persons, or destroy or disturb property of another.
- F. Dogs should not be allowed to bark continuously, which shall be defined as barking for a 15-minute period, including successive barks or a series of barks which repeat or resume following a brief or temporary cessation.
- G. All dogs should be licensed as required by law.
- H. No dog should threaten public safety.
- I. The lot owner should be responsible for assuring compliance with dog regulations of another owner's dog occurring on a lot with the permission of the lot owner.
- J. No dog or other animal should be kept upon a unit which, in the sole discretion and judgment of the Association's Board of Directors, results in an annoyance or is obnoxious to unit owners within the subdivision.
- K. Homeowners not in compliance with dog regulations should be responsible for any and all costs associated with enforcement of the aforementioned provisions of the Silt Heights Subdivision Homeowners Association (HOA).

FENCES

Fencing on individual lots should be restricted to reduce wildlife mortality and to reduce the potential for separation of doe deer and their offspring. The maximum fence height should be 42 inches. If a rail fence or 3-strand wire fence is constructed, there should be a 12-inch separation between the top 2 rails/wire. Chain link fencing up to 6 feet high should be allowed for the purpose of kenneling a dog.

GARBAGE, TRASH, AND COMPOST CONTAINERS

It is important that residents of Silt Heights Subdivision store garbage and trash in secure receptacles to reduce problems with skunks and raccoons. No refuse, garbage, trash, grass, shrub, or tree clippings, plant waste, scrap, rubbish, or debris of any kind should be kept, stored, maintained or allowed to accumulate or remain on any lot except temporarily within an enclosed structure within a building envelope. No garbage container, trash cans or receptacles should be maintained in an unsanitary condition. Garbage structures and containers should comply with recommendations which may be made from time to time by the CDOW.

ADDITIONAL RESTRICTIONS/REQUIREMENTS

Indemnification

The Silt Heights Subdivision Homeowner's Association should waive and hold the CDOW harmless from any and all claims for damages to landscaping improvements, fencing, ornamental and native plants, and garden plants resulting from the activities of wildlife.

Disposal of Animal Carcasses

The HOA and lot owners should be responsible for the removal and disposal of all animal carcasses (e.g. deer, raccoons) located upon the subdivision.

Securing Hay

Some residents may choose to maintain a horse or cows on their property. To reduce problems with deer, hay stored on a lot should be secured by a tarp, stored in a structure, or fenced.

Skunk and Raccoon Denning Areas

Residents of Silt Heights Subdivision should maintain their lots in a manner that will not attract denning skunks and raccoons. This can be addressed in the covenants by prohibiting the open storage of junk automobiles, machinery, appliances, junk piles, scrap piles, and other materials which may be used by skunks and raccoons for denning sites.

Enforcement of Provisions by HOA

Because of the relatively few homeowners (n=4) who will be residents of the Silt Heights Subdivision, I would anticipate that most potential conflicts and problems between homeowners would be resolved on an informal basis. However, in the event that conflicts (e.g. dog control, hay storage, fencing) are not resolved by discussion among homeowners, it is important that HOA enforcement provisions be available.

The Silt Heights Subdivision Homeowner's Association should be empowered to enforce covenants, conditions and restrictions for the subdivision. In the event that

there is a violation of the covenants, conditions, and/or restrictions, the following enforcement procedures should be taken by the Association:

1. The owner violating a covenant, condition, and/or restriction should first receive a written warning of the violation.
2. If a second offense occurs by an owner of the same type of violation or the owner does not correct the initial violation within one (1) calendar day after receiving notice (or such reasonable time as is necessary in order for the owner to correct the violation), then a fine of \$100 will be assessed against the owner.
3. Upon the occurrence of a third offense of the same type of violation or the continuation of a violation in excess of two (2) calendar days after the owner receives notice, a fine of \$150 will be assessed against the owner.
4. Upon the occurrence of a fourth offense of the same type of violation or the continuance of a violation in excess of four (4) calendar days after the owner receives notice, a fine of \$300 will be assessed against the owner. In addition, the Association may take such action as is reasonably necessary to cause the violation to cease, including entry on the property of the owner. In the event of a pet or livestock violation, the animal(s) which is in violation may be removed from the owner's property for disposal if prohibited or for a period of one (1) or more weeks if the animal(s) is permitted but is in violation. Enforcement of animal violations will be made only with respect to the express provisions of the Declaration (or as otherwise set forth in the homeowner documents of the Association). Rules and laws of Garfield

County shall be enforced by the County.

5. For each additional recurrence of the same type of violation, or if a violation continues beyond sixty (60) days after an owner receives notice, an additional fine will be assessed in an amount equal to double the amount of the previous fine. With respect to a continuing violation, the additional fine will be assessed every four (4) calendar days beyond the sixty (60) day period during which the violation continues. The aggregate amount of fines which may be charged against an owner for the recurrence or continuation of one type of violation shall be \$5,000.
6. Each violation of the Declaration, even if based on the same situation or animal, shall be considered a separate offense for the purpose of enforcement.
7. If an owner does not pay a fine which has been assessed due to a violation of the Declaration within thirty (30) days of receipt of the notice to pay the fine, then the late payment or nonpayment shall be considered a separate offense for which the owner can be fined on the same terms as set above.
8. The fines collected under this section may be applied to the costs incurred by the Association to administer and enforce the Declaration.

SUMMARY OF WILDLIFE IMPACTS

Silt Heights subdivision will affect birds and small mammals associated with shrubland and grassland (e.g. western meadowlark, western kingbird, cottontail rabbit, deer mouse, meadow vole) and will affect mule deer. Because of the widespread availability of grassland and shrubland on Silt Mesa, Silt Heights Subdivision will not cause significant population declines of these birds and mammals. Foraging areas for

mule deer will be reduced. However, mule deer will still have access to nearby undeveloped grasslands/haylands and shrublands on Silt Mesa. The prey base for coyotes, foxes, skunks, raccoons, crows, red-tailed hawks and owls will be diminished.

Many species of wildlife have shown they are adaptable to residential developments, buildings, and human activities. There is experimental evidence to show that wildlife do habituate to humans (Knight and Skagen 1988). Habituation is defined as a waning of a response to a repeated stimulus that is not associated with either a positive or negative reward (Knight and Temple 1995, Eibl-Eibesfeldt 1970). Research suggests that some wildlife species may habituate to predictable events which they learn are not dangerous (Yarmoloy et al. 1988).

There are many factors that influence wildlife responses to humans. These factors include characteristics of the disturbance and characteristics of the particular wildlife species. Characteristics of the disturbance that shape wildlife responses include the type of human activity, specific behaviors of a person, predictability, frequency and magnitude, timing, and location. Characteristics of wildlife that affect their response to humans include the type of animal, group size, age, sex, breeding status, and stage of breeding/nesting. The most important factors affecting wildlife response to humans are **predictability** and **perceived** threat. When wildlife perceive a disturbance frequent enough to be expected and nonthreatening, they show little overt response. If wildlife perceive disturbance as unpredictable and threatening, they react quite differently. I anticipate that many of the existing species of wildlife on the proposed Silt Heights Subdivision will acclimate to the presence of humans and to changes in habitat.

A large portion of the Subdivision will likely consist of undeveloped areas. In my opinion, although there will be a reduction in the quantity and distribution of wildlife, the existing wildlife species should still maintain a presence on the development. Many affected species will relocate to undeveloped areas of the development. Development of Silt Heights Subdivision will not result in the loss of critical wildlife habitat, nor will it affect wildlife migration corridors. Retaining native vegetation in those areas outside of building envelopes, lawns, and entrance roads will benefit wildlife.

There are no federal or Colorado threatened, endangered, or candidate wildlife, or Colorado species of special concern, which will be significantly impacted by the subdivision. Development of Silt Heights Subdivision will have a local affect on individuals of common species of grassland and shrubland birds and small mammals, and mule deer, but will not result in a loss of viability in the area, nor cause a trend to federal or state listing or loss of species viability within a wider area, nor cause a trend to federal or state listing or a loss of species viability rangewide.

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Table 1. Species of amphibians for which existing or potential suitable habitat exists on Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided.

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern
Canyon treefrog	<i>Hyla arenicolor</i>			X
Great Basin spadefoot	<i>Spea intermontana</i>			X
New Mexico spadefoot	<i>Spea multiplicata</i>			X
Northern leopard frog	<i>Rana pipiens</i>			X
Red-spotted toad	<i>Bufo punctatus</i>			
Boreal toad	<i>Bufo boreas boreas</i>		X	X

Table 2. Species of reptiles for which existing or potential suitable habitat exists on Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided.

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
Longnose leopard lizard	<i>Gambelia wislizenii</i>				
Eastern fence lizard	<i>Sceloporus undulatus</i>				
Midget faded rattlesnake	<i>Crotalus viridis concolor</i>			X	
Many-lined skink	<i>Eumeces multivirgatus</i>				
Milk snake	<i>Lampropeltis triangulum</i>				
Night snake	<i>Hypsiglena torquata</i>				S3
Racer	<i>Coluber constrictor</i>				
Short-horned lizard	<i>Phrynosoma hernandesi</i>				
Southwestern blackhead snake	<i>Tantilla hobartsmithi</i>			X	S3 C2

¹ C2 = Listed by U.S. Fish and Wildlife Service as a Category 2 candidate in review.
S3 = Listed by the Colorado Natural Heritage Program as state rare.

Table 3. Species of mammals for which existing or potential suitable habitat exists on the proposed Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided.

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
American elk	<i>Cervus elaphus</i>				
Big free-tailed bat	<i>Nyctinomops macrotis</i>				S1 C2
Bighorn sheep	<i>Ovis canadensis</i>				
Black bear	<i>Ursus americanus</i>				
Botta's pocket gopher	<i>Thomomys bottae</i>				S1
Brazilian free-tailed bat	<i>Tadarida brasiliensis</i>				S3
Cliff chipmunk	<i>Tamias dorsalis</i>				S2
Desert shrew	<i>Notiosorex crawfordi</i>				S3
Dwarf shrew	<i>Sorex nanus</i>				S3
Fringed myotis	<i>Myotis thysanodes</i>				S3
Golden-mantled ground squirrel	<i>Spermophilus lateralis</i>				S2
Great Basin pocket mouse	<i>Perognathus parvus</i>				S2
Kit fox	<i>Vulpes macrotis</i>		Endangered		S1
Least chipmunk	<i>Tamias minimus</i>				S2
Lynx	<i>Lynx Canadensis</i>	Threatened	Endangered		S1
Meadow vole	<i>Microtus pennsylvanicus</i>				S2
Merriam's shrew	<i>Sorex merriami</i>				S3
Moose	<i>Alces alces</i>				
Mexican vole	<i>Microtus mexicanus</i>				S3
Mountain lion	<i>Felis concolor</i>				
Mule deer	<i>Odocoileus hemionus</i>				
Northern pocket gopher	<i>Thomomys talpoides</i>				S2

Table 3. Species of mammals for which existing or potential suitable habitat exists on the proposed Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided (continued).

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
Northern river otter	<i>Lutra Canadensis</i>		Endangered		
Ord's kangaroo rat	<i>Dipodomys ordii</i>				S2
Pronghorn	<i>Antilocapra americana</i>				
Silky pocket mouse	<i>Perognathus flavus sanluisi</i>			X	S3
Spotted bat	<i>Euderma maculatum</i>			X	S2 C2
Thirteen-lined ground squirrel	<i>Spermophilus tridecemlineatus</i>				
Townsend's big-eared bat	<i>Plecotus townsendii pallascens</i>			X	S2 C2
Western harvest mouse	<i>Reithrodontomys megalotis megalotis</i>			X	S2
White-tailed antelope squirrel	<i>Ammospermophilus leucurus</i>			X	S2
White-tailed deer	<i>Odocoileus virginianus</i>				
White-throated woodrat	<i>Neotoma albigula brevicauda</i>			X	S2
Yuma myotis	<i>Myotis yumanensis</i>			X	S3 C2

¹ C2 -- -- Listed by the U.S. Fish and Wildlife Service as a Category 2 candidate in review.

S1 -- Listed by the Colorado Natural Heritage Program as state critically imperiled.

S2 -- Listed by the Colorado Natural Heritage Program as state imperiled.

S3 -- Listed by the Colorado Natural Heritage Program as state rare.

Table 4. Species of birds for which existing or potential suitable habitat exists on the proposed Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided.

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
American peregrine falcon	<i>Falco peregrinus anatum</i>				S2B
American redstart	<i>Setophaga</i>				S1B
American white pelican	<i>Pelecanus erythrorhynchos</i>			X	S1B
American wigeon	<i>Anas americana</i>				
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened	Threatened		S1B
Barrow's goldeneye	<i>Bucephala islandica</i>			X	S2B
Black swift	<i>Cypseloides niger</i>				S3B
Black-crowned night heron	<i>Nycticorax nycticorax</i>				S3B
Black-necked stilt	<i>Himantopus mexicanus</i>				S3B
Black-throated gray warbler	<i>Dendroica</i>				
Black-throated sparrow	<i>Amphispiza bilenata</i>				S3B
Blue grosbeak	<i>Guiraca caerulea</i>				
Blue-winged teal	<i>Anas discors</i>				
Bobolink	<i>Dolichonyx</i>				S3B
Boreal owl	<i>Aegolius funereus</i>				
Brewer's sparrow	<i>Spizella breweri</i>				
Bufflehead	<i>Bucephala albeola</i>				S1B
Canada goose	<i>Branta canadensis</i>				
Canvasback	<i>Aythya valisineria</i>				S2B

Table 4. Species of birds for which existing or potential suitable habitat exists on the proposed Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided (continued).

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
Chestnut sided warbler	<i>Dendroica pensylvanica</i>				S2B
Cinnamon teal	<i>Anas cyanoptera</i>				
Eared grebe	<i>Podiceps nigricollis</i>				S3B
Eastern phoebe	<i>Sayornis phoebe</i>				S3B
Ferruginous hawk	<i>Buteo regalis</i>			X	S3B C2
Field sparrow	<i>Spizella pusilla</i>				S1B
Flammulated owl	<i>Otus flammeolus</i>				
Forester's tern	<i>Sterna forsteri</i>				S2B
Gadwall	<i>Anas strepera</i>				
Grace's warbler	<i>Dendroica graciae</i>				S3B
Grasshopper sparrow	<i>Ammodramus savannarum</i>				
Gray vireo	<i>Vireo vicinior</i>				S2B
Great blue heron	<i>Ardea herodias</i>				S3B
Great egret	<i>Ardea albus</i>				S1B
Greater sandhill crane	<i>Grus canadensis tabida</i>			X	S2B
Green heron	<i>Butorides virescens</i>				S3B
Green-winged teal	<i>Anas crecca</i>				
Hepatic tanager	<i>Piranga flava</i>				S1B
Horned lark	<i>Eremophila alpestris</i>				
Lark bunting	<i>Calamospiza melanocorys</i>				
Lesser sandhill crane	<i>Grus canadensis canadensis</i>				

Table 4. Species of birds for which existing or potential suitable habitat exists on the proposed Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided (continued).

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
Lewis woodpecker	<i>Melanerpes</i>				
Long-billed curlew	<i>Numenius americanus</i>			X	S2B
Mallard	<i>Anas platyrhynchos</i>				
Marsh wren	<i>Cistothorus palustris</i>				S3B
Merlin	<i>Falco columbarius</i>				
Merriam's wild turkey	<i>Meleagris gallopavo merriami</i>				
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Threatened	Threatened		S1B
Mountain plover	<i>Charadrius montanus</i>			X	S2B C
Northern goshawk	<i>Accipiter gentilis</i>				S3B C2
Northern harrier	<i>Circus cyaneus</i>				S3B
Northern pintail	<i>Anas acuta</i>				
Northern shoveler	<i>Anas clypeata</i>				
Osprey	<i>Pandion haliaetus</i>				S3B
Purple martin	<i>Progne subis</i>				S3B
Red-headed woodpecker	<i>Melanerpes erythrocephalus</i>				S3B
Ring-billed gull	<i>Larus delawarensis</i>				
Ring-necked pheasant	<i>Phasianus colchicus</i>				
Ruffed grouse	<i>Bonasa umbellus</i>				
Rufous hummingbird	<i>Selasphorus rufus</i>				
Sage grouse	<i>Centrocercus urophasianus urophasianus</i>			X	S3B

Table 4. Species of birds for which existing or potential suitable habitat exists on the proposed Silt Heights Subdivision as reported by the Natural Diversity Information Source. The status of individual species is also provided (continued).

Common Name	Scientific Name	Federal Threatened or Endangered	State Threatened or Endangered	State Species of Special Concern	Status ¹
Sage sparrow	<i>Amphispiza belli</i>				S3B
Scott's oriole	<i>Icterus parisorum</i>				S1B
Short-eared owl	<i>Asio flammeus</i>				S2B
Snowy egret	<i>Egretta thula</i>				S2B
Southwestern willow flycatcher	<i>Empidonax trailii extimus</i>	Endangered	Endangered		
Swainson's hawk	<i>Buteo wainsoni</i>				
Three-toed woodpecker	<i>Picoides tridactylus</i>				
Western burrowing owl	<i>Athene cunicularia hypugaea</i>		Threatened		C2
White-faced ibis	<i>Plegadis chihi</i>				S2B C2
White-tailed ptarmigan	<i>Lagopus leucurus altipetens</i>				
White-winged crossbill	<i>Loxia leucoptera</i>				S1B
Whooping crane	<i>Grus Americana</i>	Endangered	Endangered		
Willet	<i>Catoptrophorus semipalmatus inornatus</i>				S1B

¹ C -- Listed by the U.S. Fish and Wildlife Service as a Candidate species.

C2 -- Listed by the U.S. Fish and Wildlife Service as a Category 2 candidate in review.

S1B -- Species listed by the Colorado Natural Heritage Program as state critically imperiled during the breeding season.

S2B -- Species listed by the Colorado Natural Heritage Program as state imperiled during the breeding season.

S3B -- Species listed by the Colorado Natural Heritage Program as state rare or threatened during the breeding season.

Table 5. Colorado listing of endangered, threatened and wildlife species of special concern.

Common Name	Scientific Name	Status ¹
Fish		
Bonytail	<i>Gilaelegans</i>	FE, SE
Razorback sucker	<i>Xyrauchen texanus</i>	FE, SE
Humpback chub	<i>Gila cypa</i>	FE, ST
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	FE, ST
Greenback cutthroat trout	<i>Oncorhynchus clarki sotmias</i>	FT, ST
Rio Grande sucker	<i>Catostomus plebeius</i>	SE
Lake chub	<i>Couesius plumbeus</i>	SE
Plains minnow	<i>Hybognathus placitius</i>	SE
Suckermouth minnow	<i>Phenacobius mirabilis</i>	SE
Northern redbelly dace	<i>Phoxinus eos</i>	SE
Southern redbelly dace	<i>Phoxinus erythrogaster</i>	SE
Brassy minnow	<i>Hybognathus hankinsoni</i>	ST
Common shiner	<i>Luxilus cornutus</i>	ST
Arkansas darter	<i>Etheostoma cragini</i>	ST
Bluehead sucker	<i>Catostomus discobolus</i>	SC
Flannelmouth sucker	<i>Catostomus latipinnis</i>	SC
Mountain sucker	<i>Catostomus plathynchus</i>	SC
Plains orangethroat darter	<i>Etheostoma spectabile</i>	SC
Iowa darter	<i>Etheostoma exile</i>	SC
Plains topminnow	<i>Fundulus sciadicus</i>	SC
Rio Grande chub	<i>Gila pandora</i>	SC
Colorado roundtail chub	<i>Gila robusta</i>	SC
Speckled chub	<i>Macrhybopsis aestivalis tetranemus</i>	SC
River shiner	<i>Notropis blennioides</i>	SC
Stonecat	<i>Noturus flavus</i>	SC
Colorado River cutthroat trout	<i>Oncorhynchus clarki pleuriticus</i>	SC
Rio Grande cutthroat trout	<i>Oncorhynchus clarki virginalis</i>	SC
Flathead chub	<i>Platygobio gracilus</i>	SC
Amphibians		
Boreal toad	<i>Bufo boreas boreas</i>	SE
Northern cricket frog	<i>Acris crepitans</i>	SC
Great Plains narrowmouth toad	<i>Gastrophryne olivacea</i>	SC

Table 5. Colorado listing of endangered, threatened and wildlife species of special concern (continued).

Common Name	Scientific Name	Status
Amphibians (continued)		
Canyon treefrog	<i>Hyla areicolor</i>	SC
Northern leopard frog	<i>Rana pipiens</i>	SC
Plains leopard frog	<i>Rana blairi</i>	SC
Couch's spadefoot	<i>Scaphiopus couchii</i>	SC
Great basin spadefoot	<i>Spea intermontana</i>	SC
New Mexico spadefoot	<i>Spea multiplicata</i>	SC
Reptiles		
Midget faded rattlesnake	<i>Crotalus viridis concolor</i>	SC
Longnose leopard lizard	<i>Gambelia wislizenii</i>	SC
Yellow mud turtle	<i>Kinosternon flavescens</i>	SC
Common kingsnake	<i>Lampropeltis getula</i>	SC
Texas blind snake	<i>Leptotyphlops dulcis</i>	SC
Texas horned lizard	<i>Phrynosoma cornutum</i>	SC
Desert spiny lizard	<i>Sceloporus magister</i>	SC
Massasauga	<i>Sistrurus catenatus</i>	SC
Birds		
American peregrine falcon	<i>Falco peregrinus anatum</i>	SC
Whooping crane	<i>Grus americana tabida</i>	FE, SE
Least tern	<i>Sterna antillarum athalassos</i>	FE, SE
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE, SE
Plains sharp-tailed grouse	<i>Tympanuchus phasianellus jamesii</i>	SE
Piping plover	<i>Charadrius melodus circumcinctus</i>	FT, ST
Bald eagle	<i>Haliaeetus leucocephalus</i>	FT, ST
Mexican spotted owl	<i>Strix occidentalis lucida</i>	FT, ST
Western burrowing owl	<i>Athene cunicularia</i>	ST
Greater sandhill crane	<i>Grus canadensis</i>	SC
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	ST
Barrow's goldeneye	<i>Bucephala islandica</i>	SC
Ferruginous hawk	<i>Buteo regalis</i>	SC
Gunnison's sage grouse	<i>Centrocercus urophasianus subsp.</i>	SC
Northern sage grouse	<i>Centrocercus urophasianus subsp.</i>	SC
Western snowy plover	<i>Charadrius alexandrinus</i>	SC
Mountain plover	<i>Charadrius montana</i>	SC
Long-billed curlew	<i>Numenius americanus</i>	SC
White pelican	<i>Pelecanus erythrorhynchos</i>	SC

Table 5. Colorado listing of endangered, threatened and wildlife species of special concern (continued).

Common Name	Scientific Name	Status
Mammals		
Gray wolf	<i>Canis lupus</i>	FE, SE
Black-footed ferret	<i>Mustela nigripes</i>	FE, SE
Grizzly bear	<i>Ursus arctos</i>	FT, SE
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	FT, ST
Lynx	<i>Lynx canadensis</i>	SE
Wolverine	<i>Gulo gulo luscus</i>	SE
River otter	<i>Lutra canadensis</i>	SE
Kit fox	<i>Vulpes macrotis</i>	SE
Swift fox	<i>Vulpes velox</i>	SC
Black-tailed prairie dog	<i>Cynomys ludovicianus</i>	SC

- ¹ FE = Federal endangered
 FT = Federal threatened
 SE = State endangered
 ST = State threatened
 SC = Species of state concern

Table 6. Federal threatened and endangered species reported for Colorado.

Common Name	Scientific Name	Status
Grizzly bear	<i>Ursus arctos</i>	Threatened
Bonytail chub	<i>Gila elegans</i>	Endangered
Humpback chub	<i>Gila cypha</i>	Endangered
Whooping crane	<i>Grus americana</i>	Endangered
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened
Black-footed ferret	<i>Mustela nigripes</i>	Endangered
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Endangered
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	Threatened
Lynx	<i>Lynx Canadensis</i>	Threatened
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Threatened
Piping plover	<i>Charadrius melodus</i>	Threatened
Colorado squawfish	<i>Ptychocheilus lucius</i>	Endangered
Razorback sucker	<i>Xyrauchen texanus</i>	Endangered
Least tern	<i>Sterna antillarum</i>	Endangered
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	Threatened
Gray wolf	<i>Canis lupus</i>	Endangered
Mancos milk-vetch	<i>Astragalus humillimus</i>	Endangered
Osterhous milk-vetch	<i>Astragalus osterhoutii</i>	Endangered
Clay-loving wild buckwheat	<i>Eriogonum pelinophilum</i>	Endangered
Penland alpine fen mustard	<i>Eutrema penlandii</i>	Threatened
Dudley Bluff's bladderpod	<i>Lesquerella congesta</i>	Threatened
Knowlton cactus	<i>Pediocactus knowltonii</i>	Endangered
Penland beardtongue	<i>Penstemon penlandii</i>	Endangered
North Park phacelia	<i>Phacelia formosula</i>	Endangered
Dudly Bluffs twinpod	<i>Physaria obcordata</i>	Threatened
Unita Basin hookless cactus	<i>Sclerocactus glaucus</i>	Threatened
Mesa Verde cactus	<i>Sclerocactus mease verdae</i>	Threatened
Ute ladies'-tresses	<i>Spirianthes diluvialis</i>	Threatened

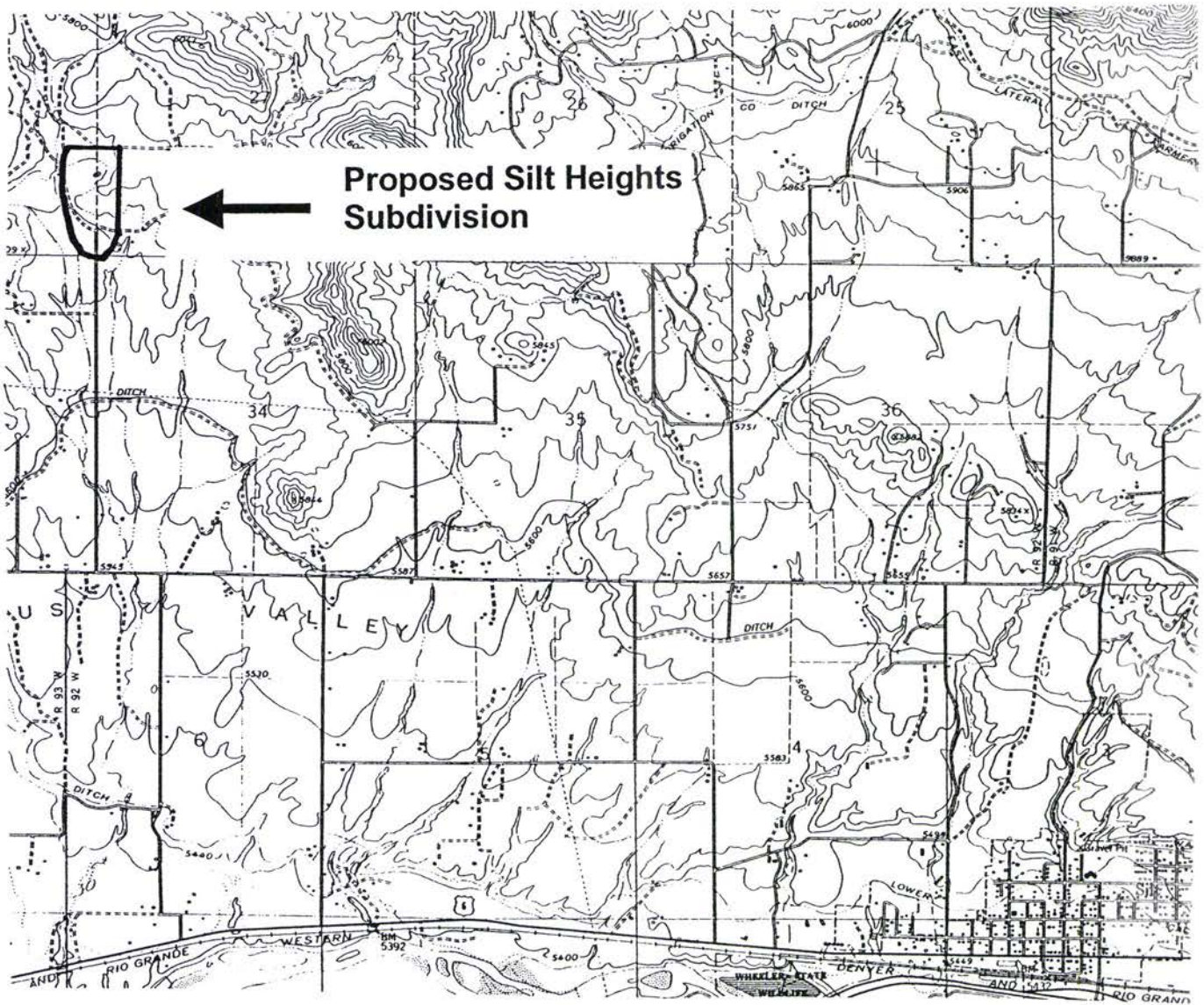


Figure 1. Vicinity map showing location of the proposed Silt Heights Subdivision in relationship to Silt, Colorado.

STATE OF COLORADO
Owens, Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
AN EQUAL OPPORTUNITY EMPLOYER

John W. Mumma, Director
6060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192



*For Wildlife-
For People*

July 14, 2000

Kit Lyon
Garfield County Building & Planning
109 8th Street, Suite 301
Glenwood Springs, CO 81601

Dear Kit:

I have reviewed the sketch plan for the Silt Heights Subdivision between Silt and Rifle. Because the information provided by the applicant is minimal at best and the fact that wildlife impacts are not addressed at all in the sketch plan, I am unable to make comments for the Division of Wildlife until a more concise plan is provided.

This Subdivision would be located in deer winter range and there will be impacts on this species as well as many others. For this reason I recommend that the Silt Heights Subdivision sketch plan be denied until such time that the applicant addresses wildlife issues. I also recommend that the applicant hire a competent wildlife consultant to examine and address such items as fence specifications, dogs, covenants, winter range, possible wetlands, and game damage. We look forward to reviewing the preliminary plan.

Respectfully,

Don Crane
District Wildlife Manager

cc: Yamashita
files

DEPARTMENT OF NATURAL RESOURCES, Greg Walcher, Executive Director
WILDLIFE COMMISSION, Bernard L. Black, Jr., Chairman • Rick Enstrom, Vice-Chairman • Philip James, Secretary

Figure 2. Letter written by former DWM Don Crane concerning the proposed Silt Heights Subdivision.

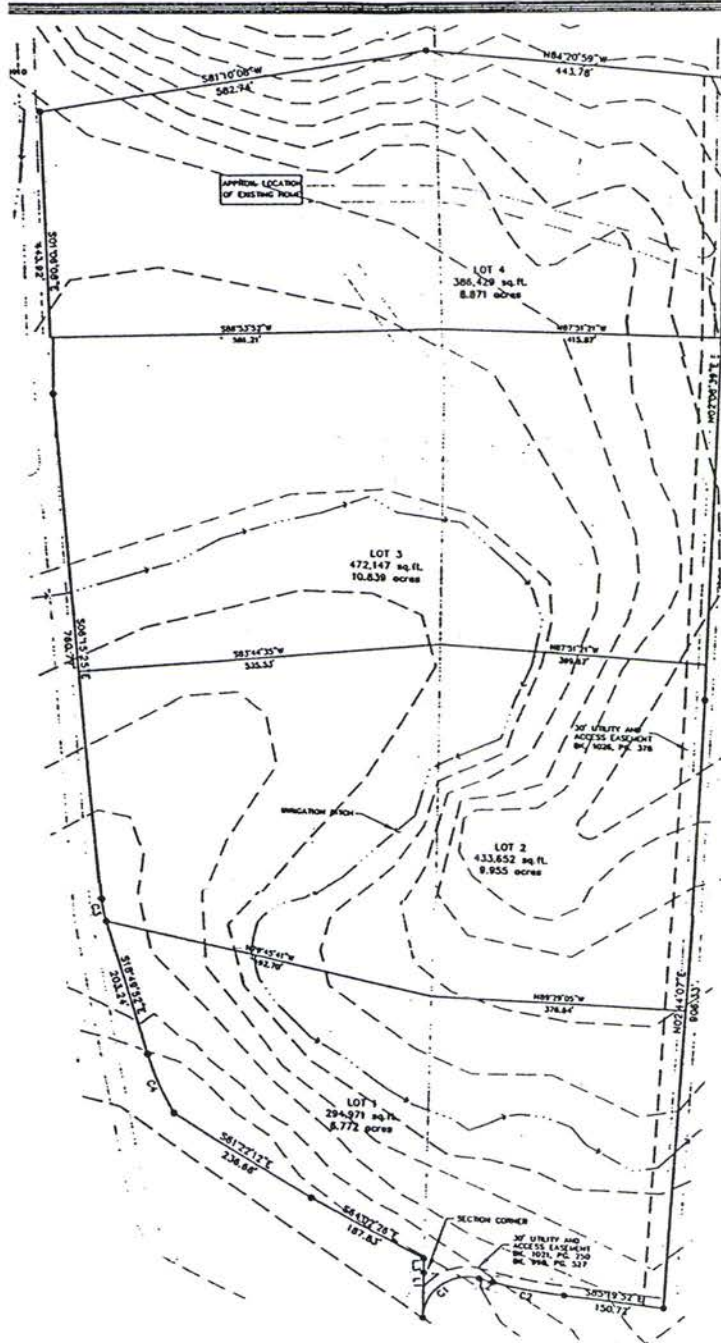


Figure 3. Lot layout for the proposed Silt Heights Subdivision.

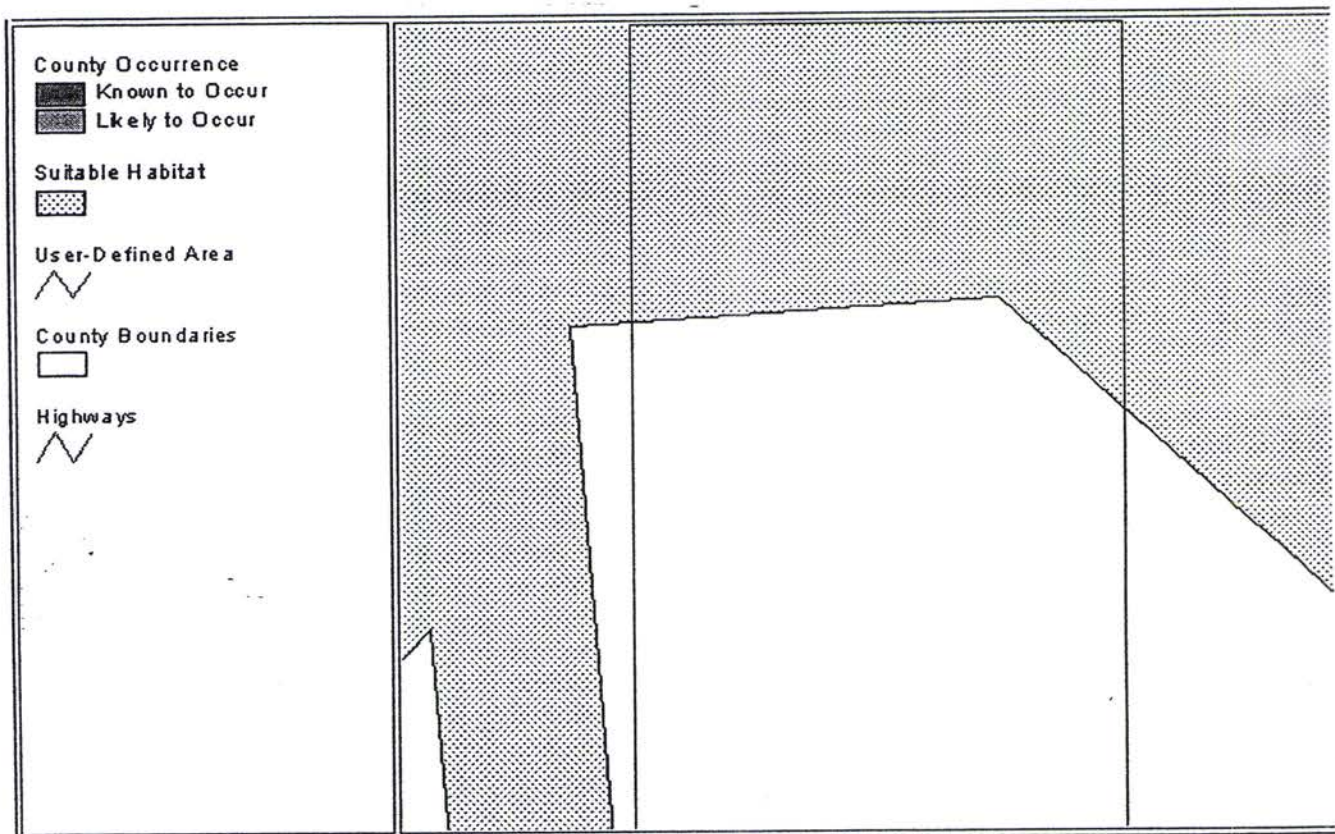


Figure 4. Natural Diversity Information Source (NDIS) mapped suitable habitat for the canyon treefrog on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

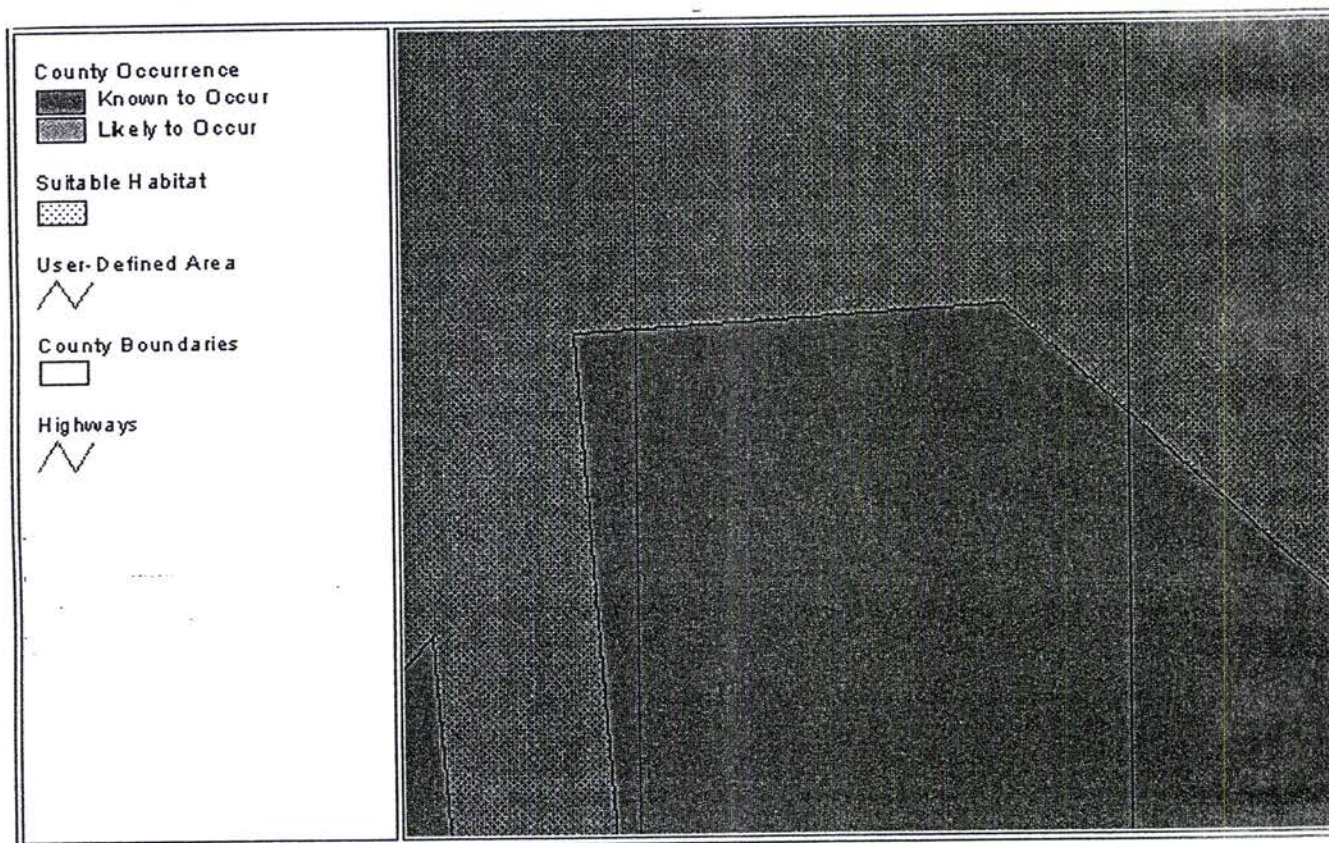


Figure 5. Natural Diversity Information Source (NDIS) mapped suitable habitat for the northern leopard frog on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

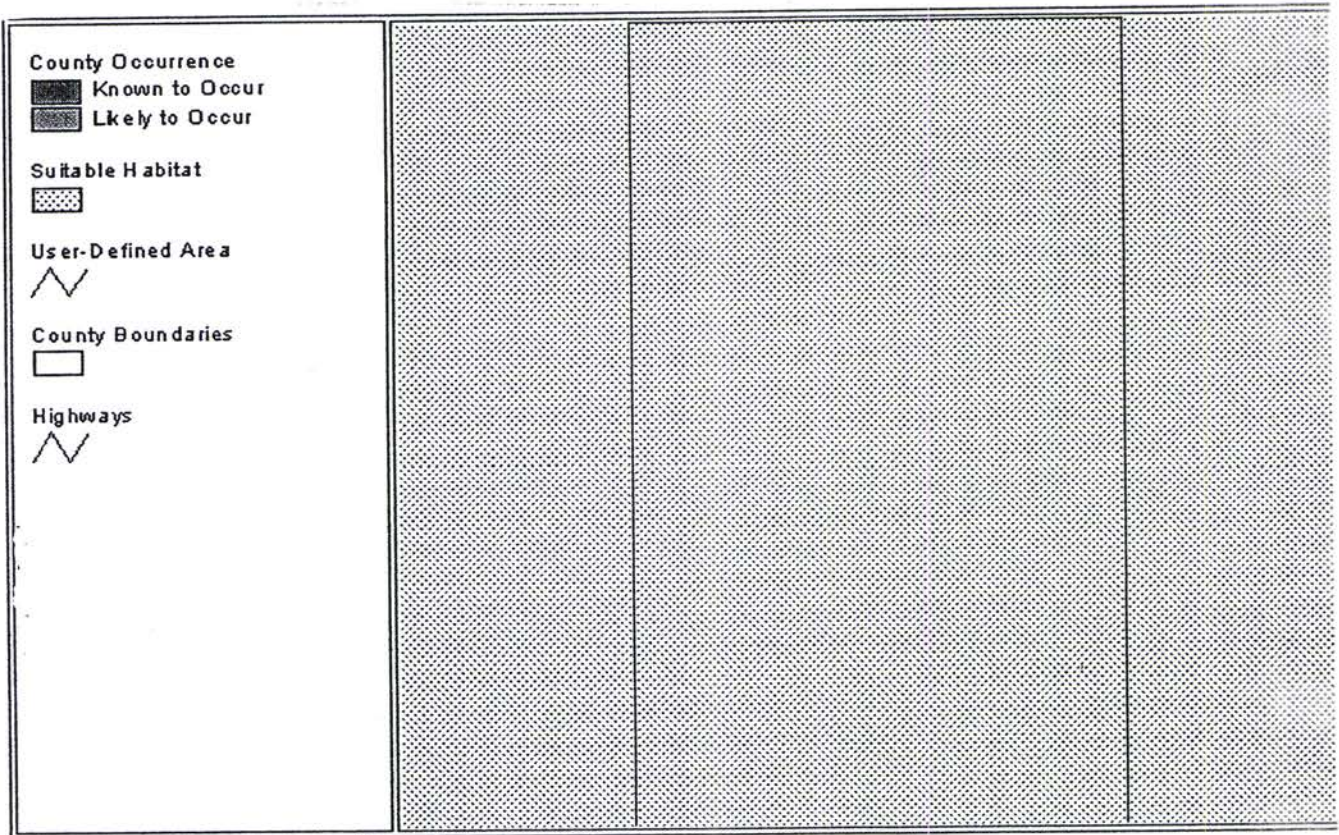


Figure 6. Natural Diversity Information Source (NDIS) mapped suitable habitat for the midget faded rattlesnake on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

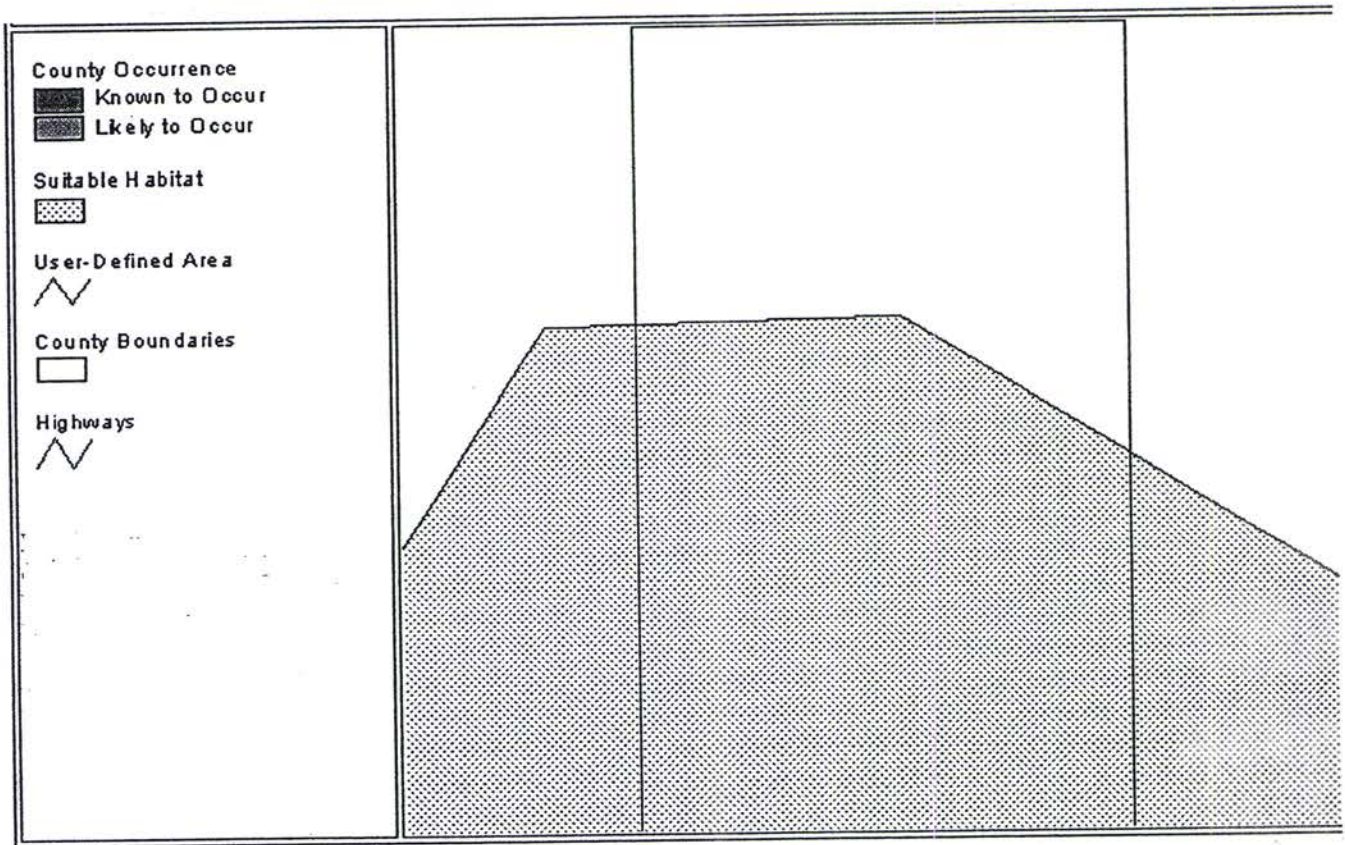


Figure 7. Natural Diversity Information Source (NDIS) mapped suitable habitat for the whooping crane on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

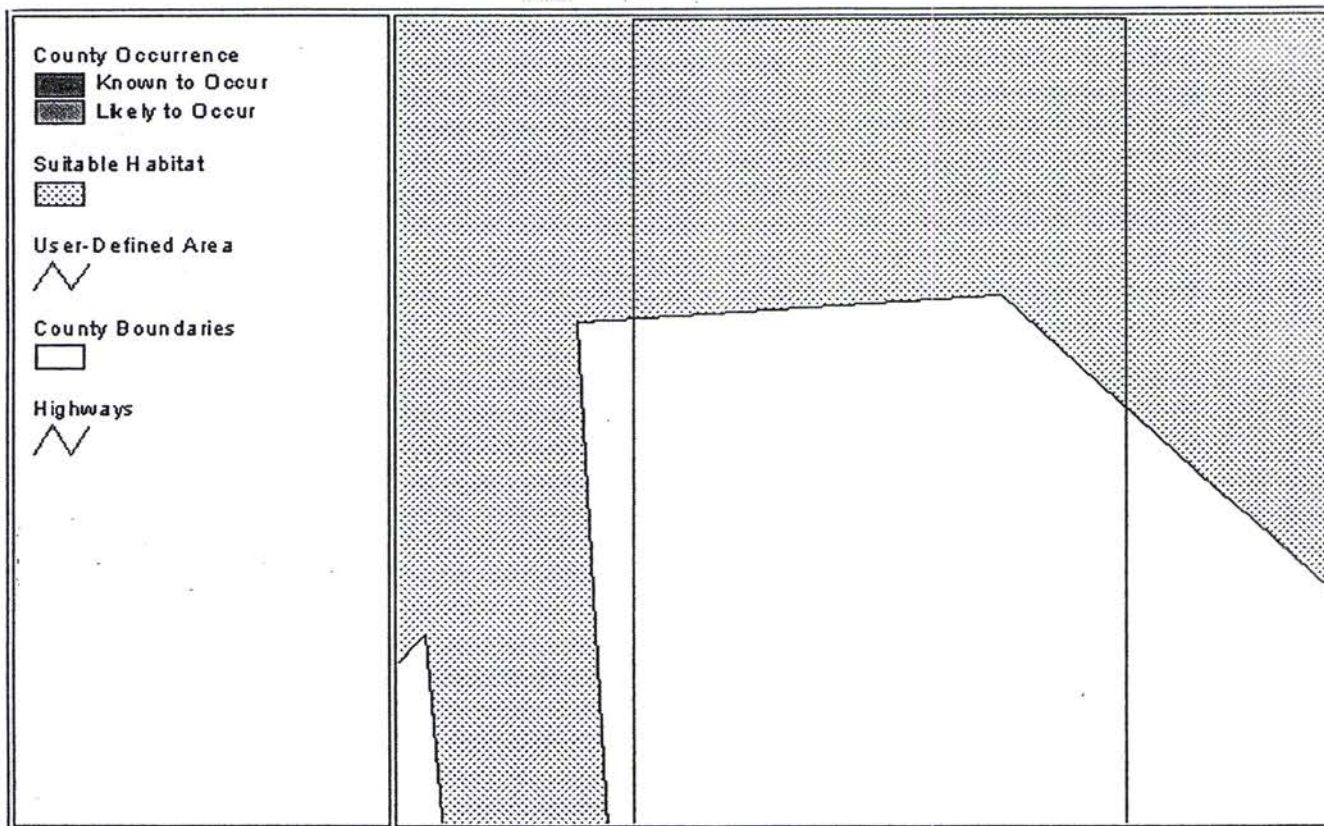


Figure 8. Natural Diversity Information Source (NDIS) mapped suitable habitat for the Mexican spotted owl on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

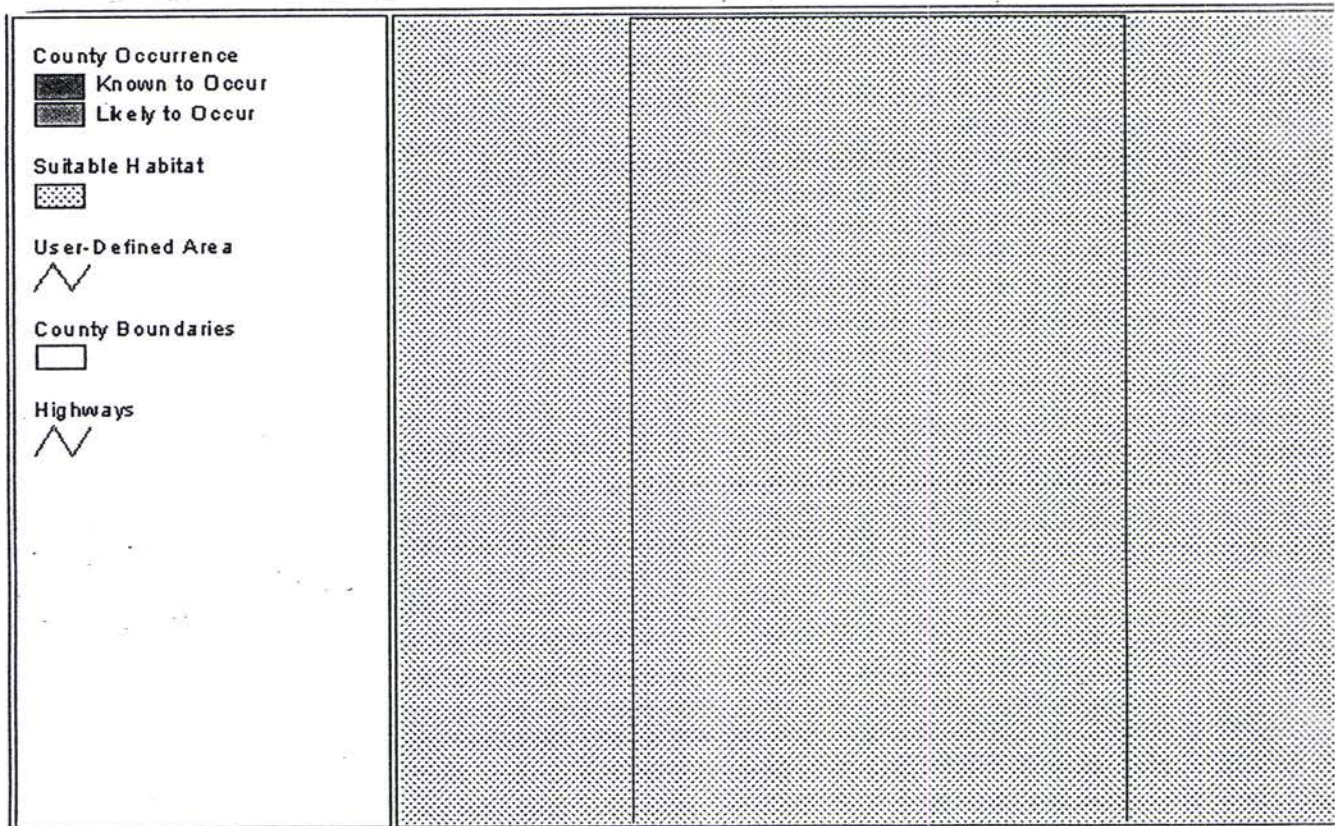


Figure 9. Natural Diversity Information Source (NDIS) mapped suitable habitat for the southwestern willow flycatcher on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

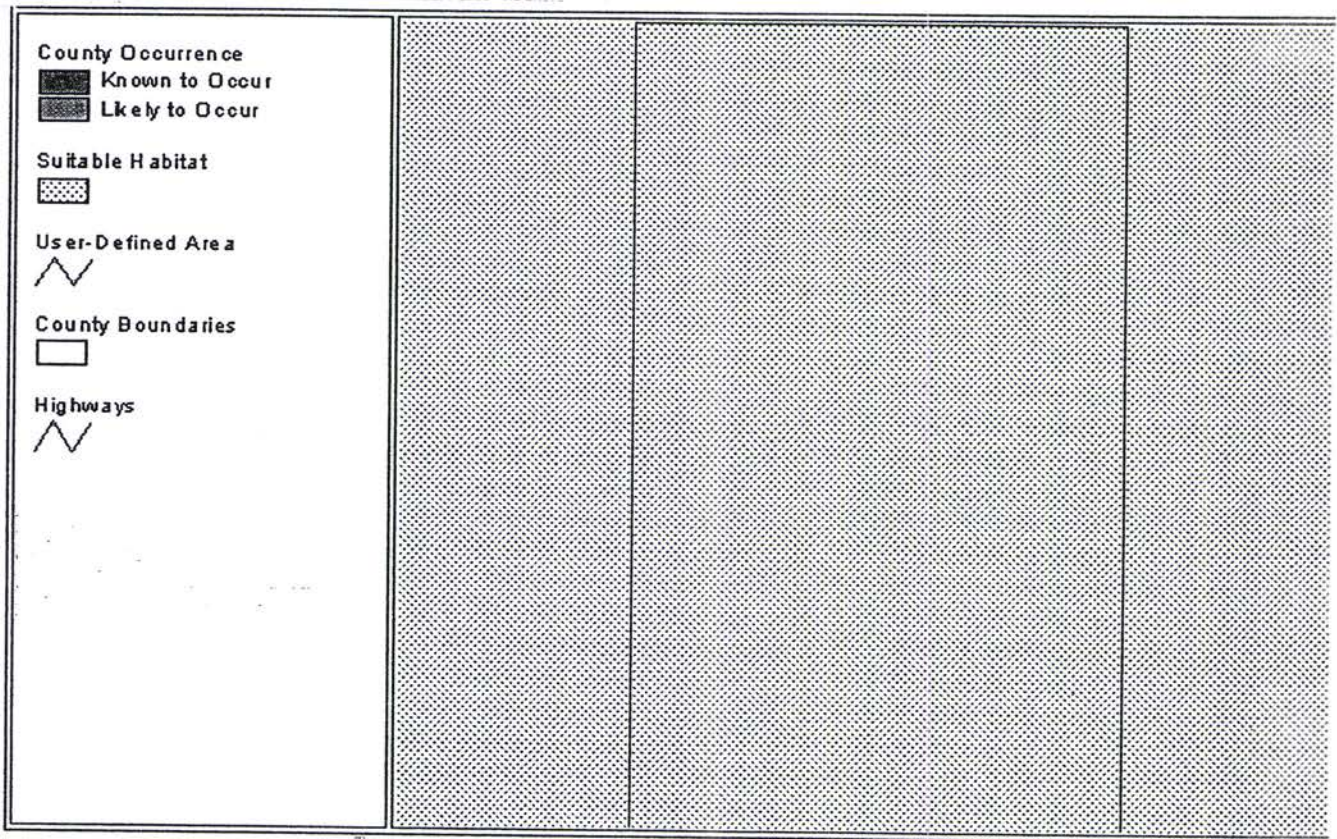


Figure 10. Natural Diversity Information Source (NDIS) mapped suitable habitat for the peregrine falcon on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

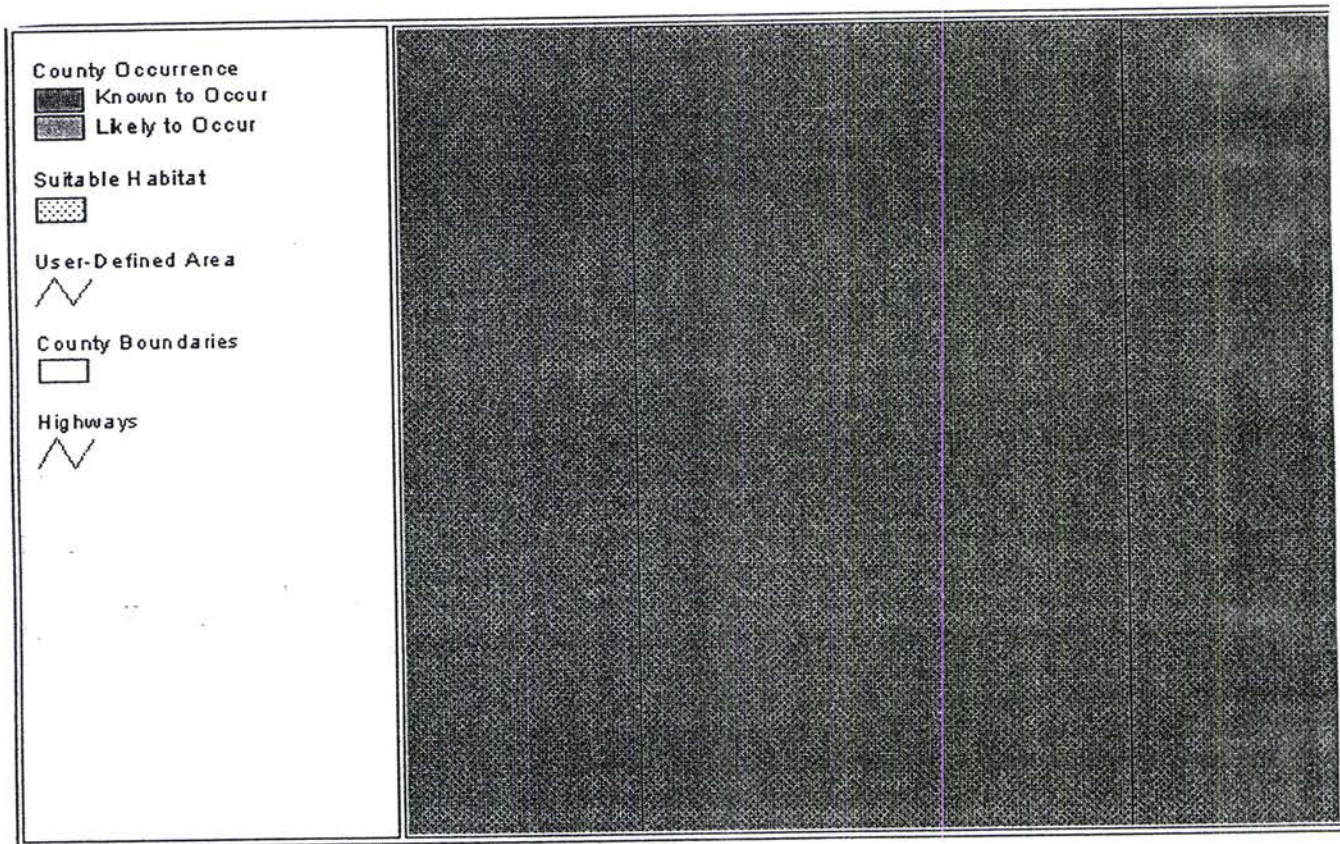


Figure 11. Natural Diversity Information Source (NDIS) mapped suitable habitat for the bald eagle on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

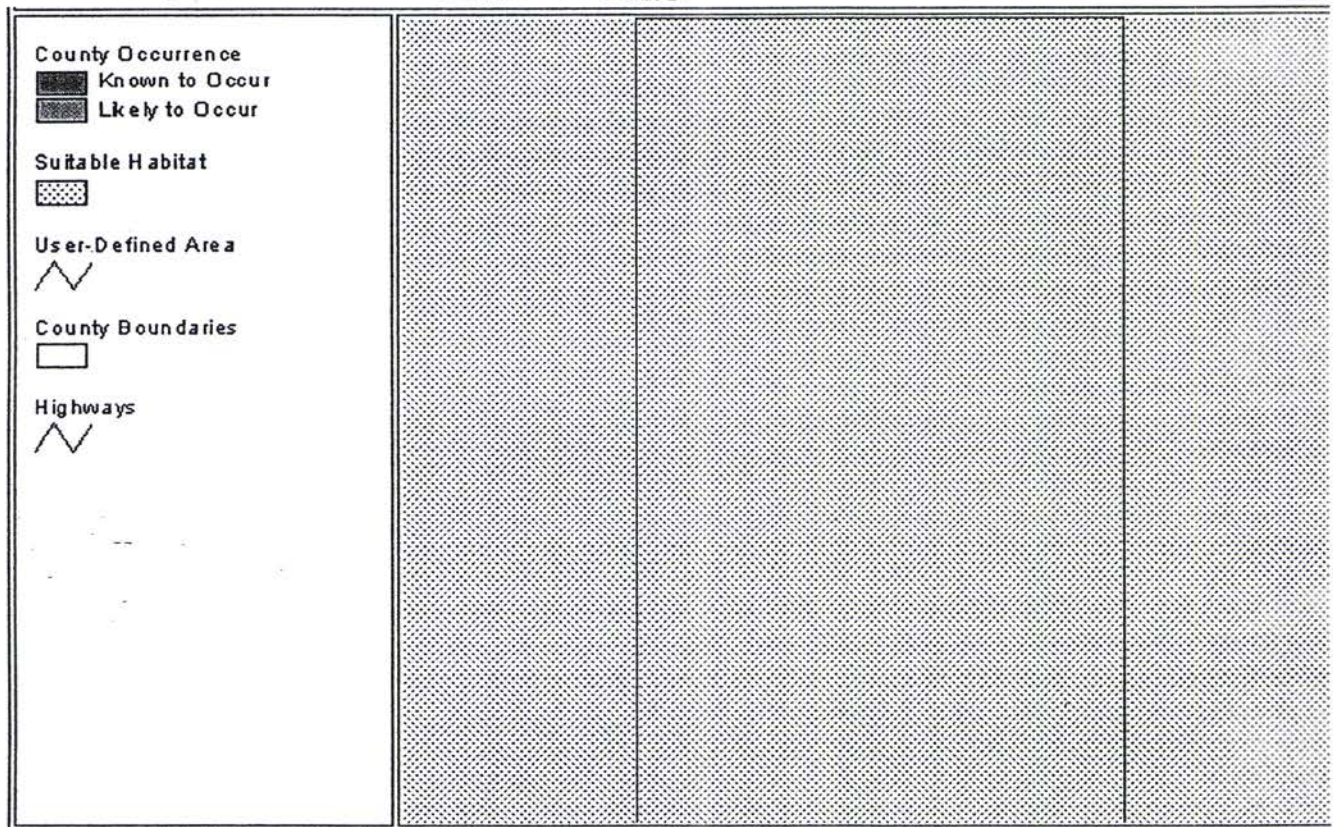


Figure 12. Natural Diversity Information Source (NDIS) mapped suitable habitat for Botta's pocket gopher on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

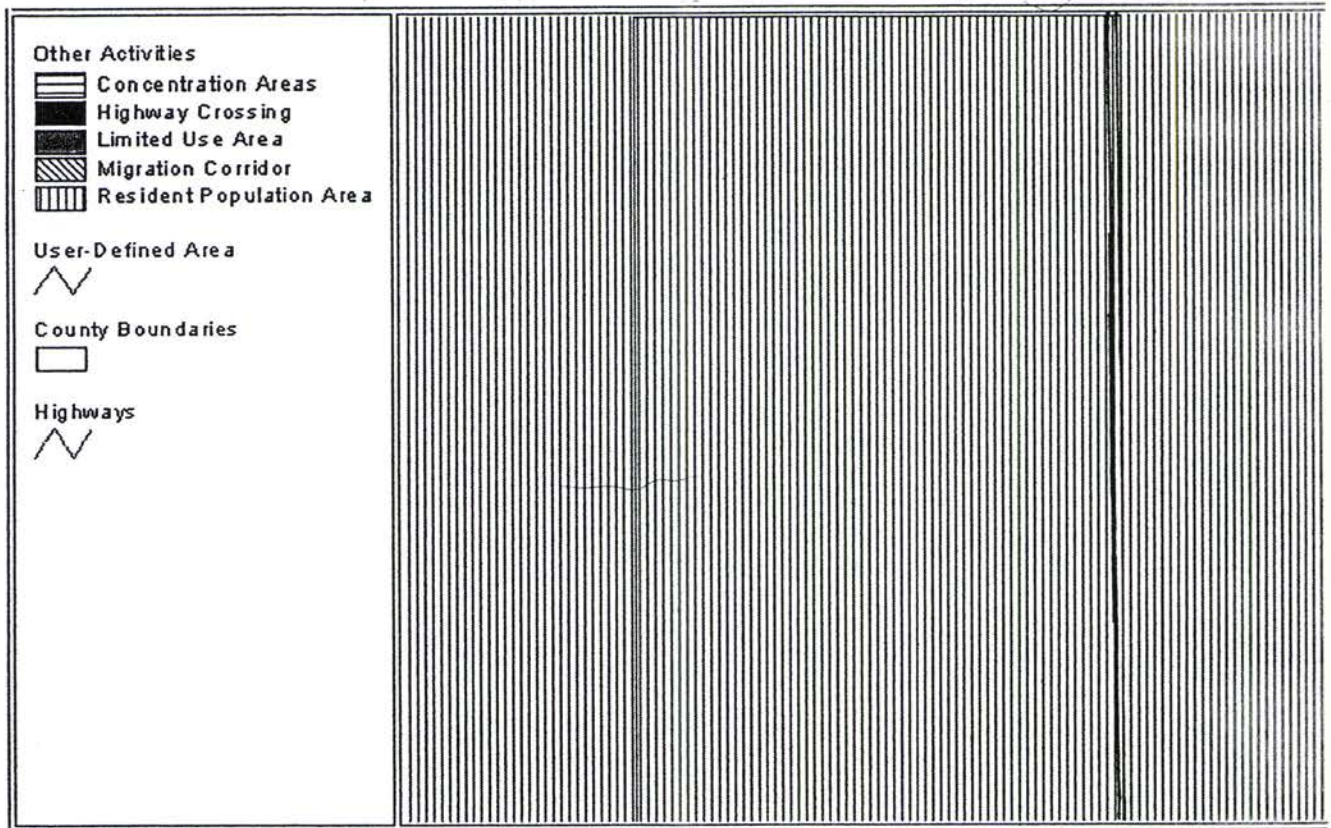


Figure 13. Natural Diversity Information Source (NDIS) mapped activity areas for the mule deer on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

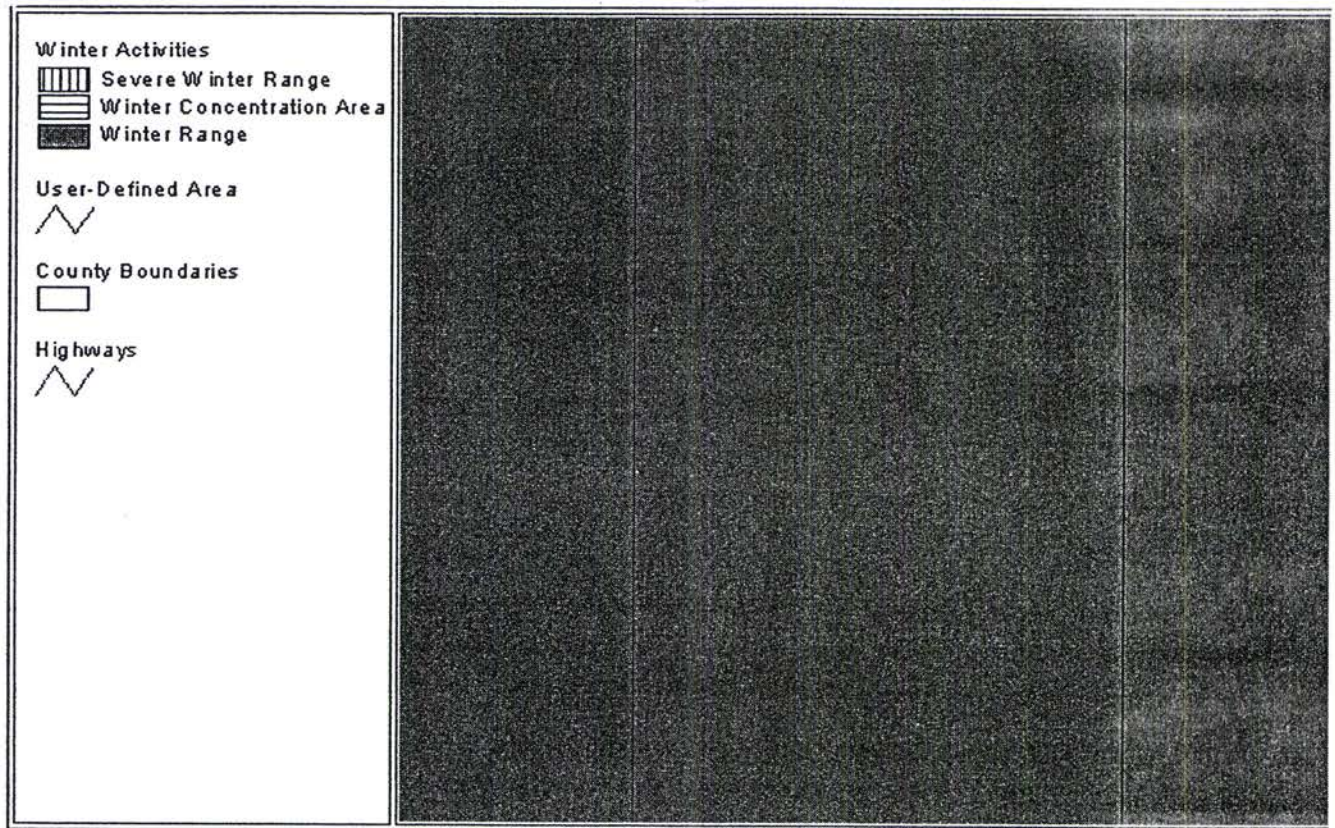


Figure 14. Natural Diversity Information Source (NDIS) mapped winter activity areas for the mule deer on the proposed Silt Heights Subdivision. The proposed subdivision is demarcated by the inscribed interior rectangle.

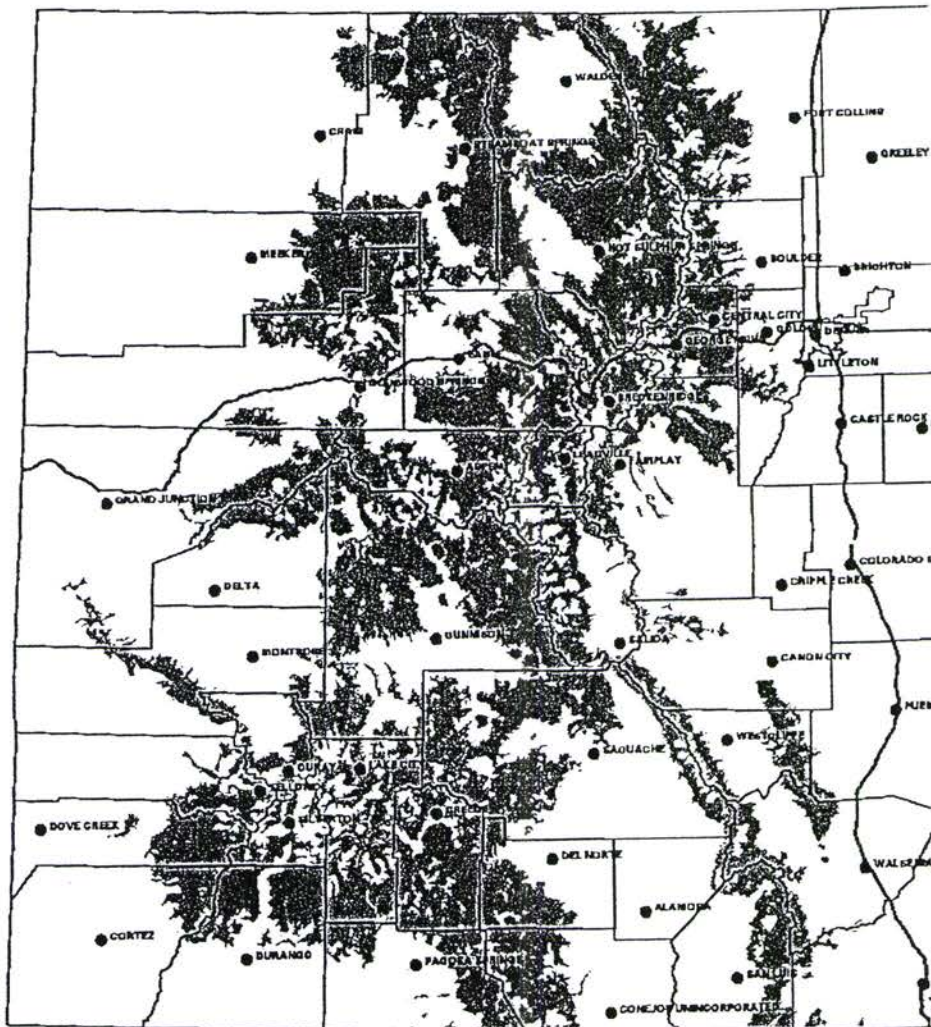
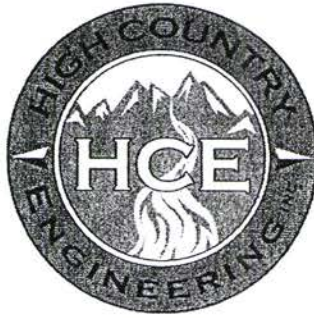


Figure 15. Colorado Division of Wildlife lynx potential habitat (■) map (Source: www.ndis.nrel.colostate.edu/excop/images/maps/lynxmap.jpg).

DRAINAGE REPORT



DRAINAGE STUDY
SILT HEIGHTS SUBDIVISION

GARFIELD COUNTY, CO

HCE JOB NO. 2000023.02

October 18, 2005



Daniel R. Dennison, P.E.
Project Manager



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DRAWINGS:	
Vicinity Map (8.5" x 11")	
SCS Map (8.5" x 11")	
Grading and Drainage Plan (11"x 17")	
APPENDIX:	
Calculations	
SCS Data	

I, Daniel Dennison, P.E., certify that the proposed design, constructed in conformity with engineered plans and details, will not cause damage to adjacent or downstream properties resulting from erosion, flood or environmental impact during construction and after completion. This statement is not valid for storm events outside design parameters or circumstances beyond my control.

Introduction

The proposed subdivision is located off County Road 259 in Garfield County approximately 4 miles from the Town of Silt, Colorado. This project proposes the division of 36.44 acres into four single-family residential lots. See the enclosed Vicinity Map for site location.

Hydrology

The hydrologic methods used for this study are outlined in the Soil Conservation Service (SCS) publication "Procedures for Determining Peak Flows in Colorado" (1984). Peak on-site flows in this area will be derived primarily from rainfall because the site is below 8,000 feet in elevation. Therefore, the storm drainage system should be adequate to handle on-site spring snowmelt runoff. This site does not fall within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map boundary.

Drainage Plan

The proposed development consists of subdividing the existing property into 4 lots ranging in size from 6.229 to 17.254 acres. An existing house is located on the proposed Parcel 4. The proposed improvements consist of installing a gravel road to provide an emergency turnaround for fire protection, improving the existing County Road 259 to meet County Road standards, installing temporary erosion control, and installing utilities to the lots. The development will have minimal impact on drainage paths running through the property. Weighted curve numbers have been determined for both historic and developed conditions. The curve number did not change due to the large lot size and the small changes to the existing conditions. No detention will be required for this development. Building envelopes are located on the lots such that impacts to the existing drainages have been reduced. The driveways will be installed with individual building permits. The septic systems will also be constructed as part of the individual building permitting. The Farmers Irrigation Ditch runs through lots 1, 2, 3 and 4, but building envelopes have been located such as to avoid additional crossings.

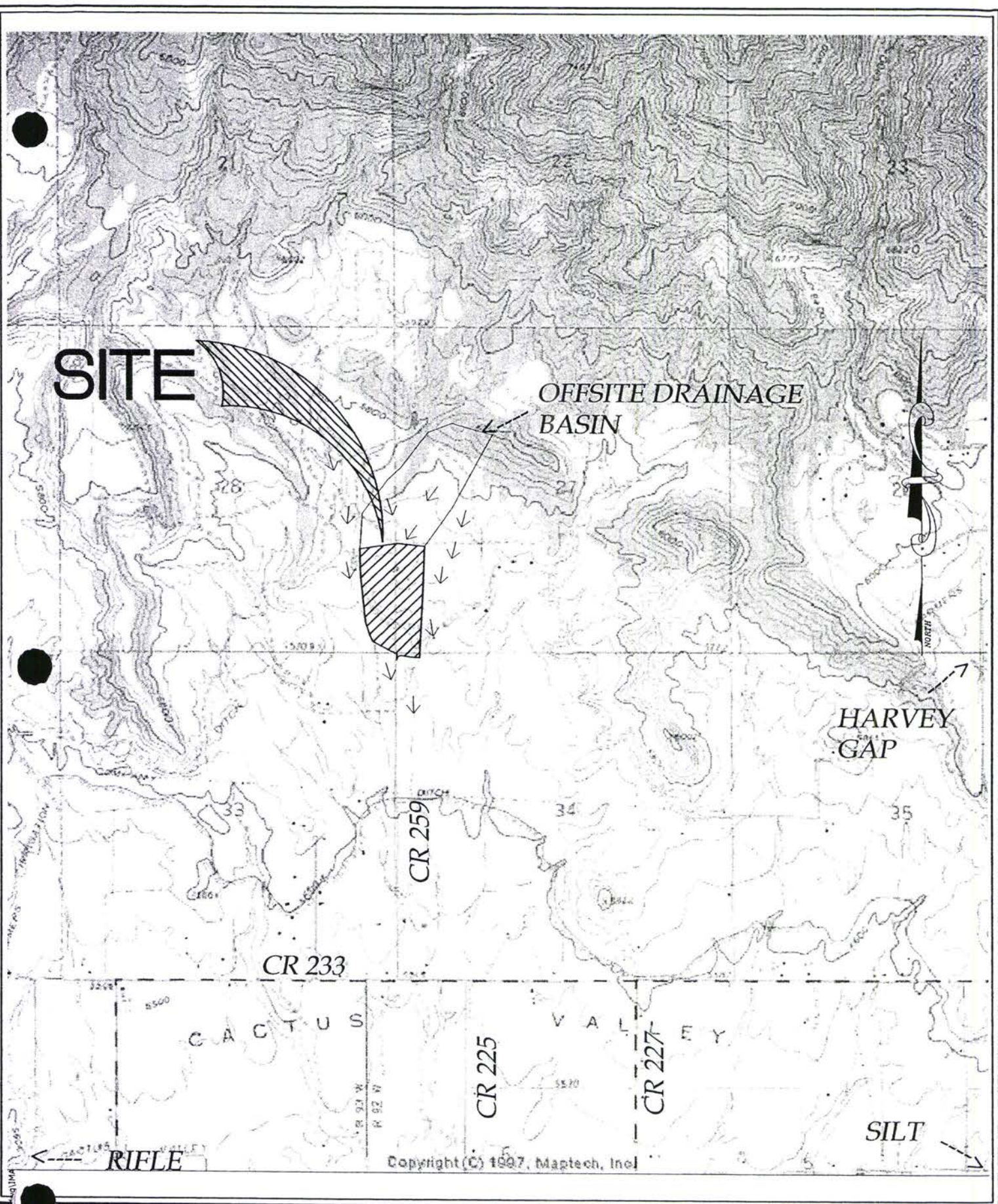
Off-Site Flows

The development has one offsite basin. The area involved is located to the north of the subject property. This basin contains approximately 52 acres and is primarily vegetated with sagebrush and grasses. The off-site flows are based on historic conditions. This development will have minimal impacts to offsite drainage ways.

Summary

Drainage for the Silt Heights Subdivision has been designed to mitigate the expected impacts of storm water runoff as outlined by Garfield County drainage regulations.

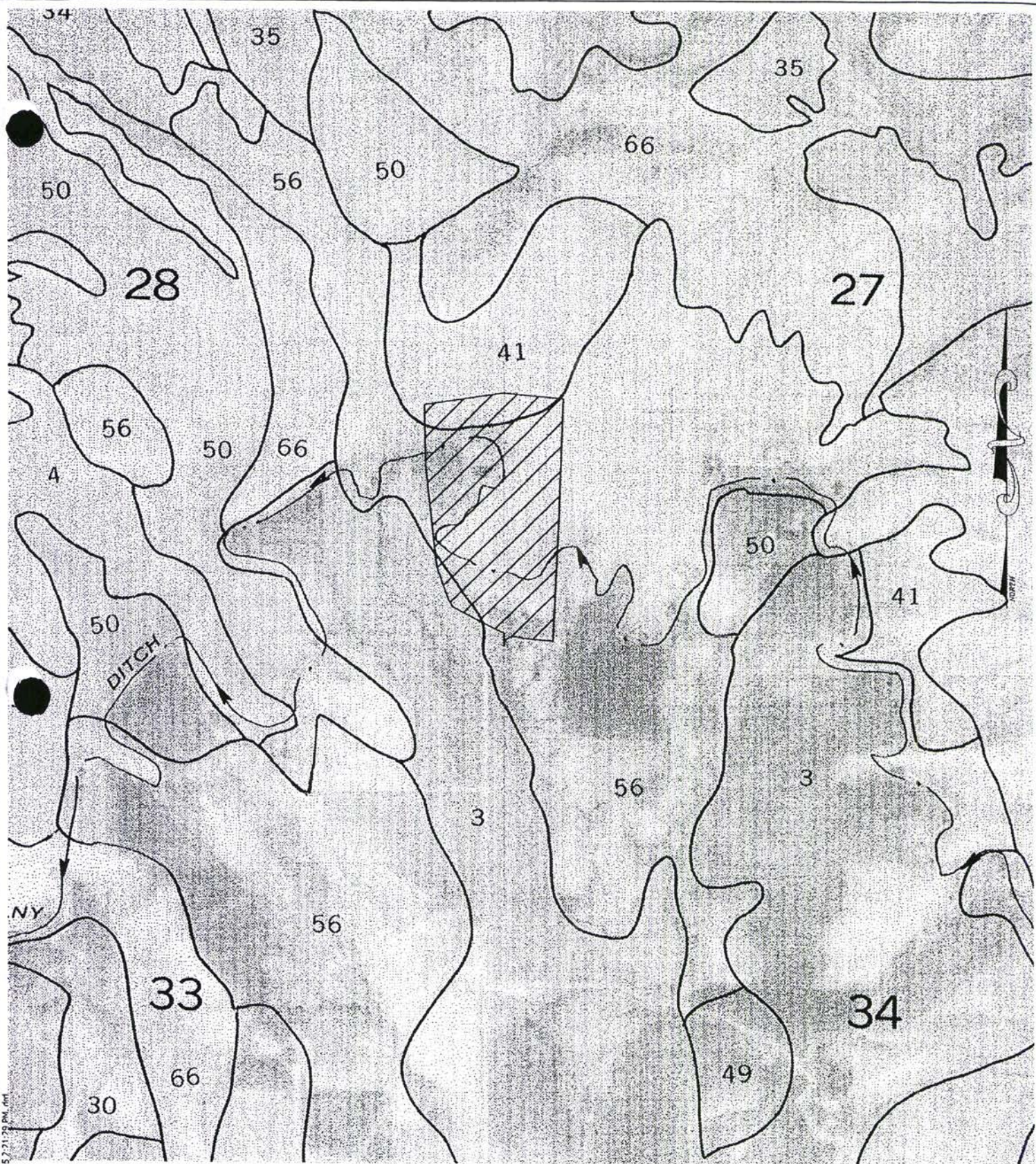
Drawings



HIGH COUNTRY ENGINEERING, INC.
 14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
 PHONE (303) 925-0544 FAX (303) 925-0547
 1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
 PHONE (970) 945-8676 FAX (970) 945-2555
 WWW.HCENG.COM

TERRI PATRICK
 GARFIELD COUNTY, COLORADO
SILT HEIGHTS SUB.
 VICINITY MAP

DRAWN BY: DJD	SCALE: 1" = 2000'
CHECKED BY: LAH	PROJECT NO: 2000023.01
DATE: 1/4/02	PAGE: 1
FILE: J:/SDSKPROJ/IMAGE	



On-site Soil Types

- 3: Arvada loam, 1 to 6 percent slopes (deep, well drained, slow permeability, runoff medium)
- 41: Kim loam, 6 to 12 percent slopes (deep, well drained, mod. permeability, runoff slow)
- 56: Potts loam, 6 to 12 percent slopes (deep, well drained, mod. permeability, runoff medium)

J:\SCS\A\HIGH\SCS.dwg, 2/8/2005 7:21:29 PM, rmt



HIGH COUNTRY ENGINEERING, INC.

14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
 PHONE (303) 925-0544 FAX (303) 925-0547

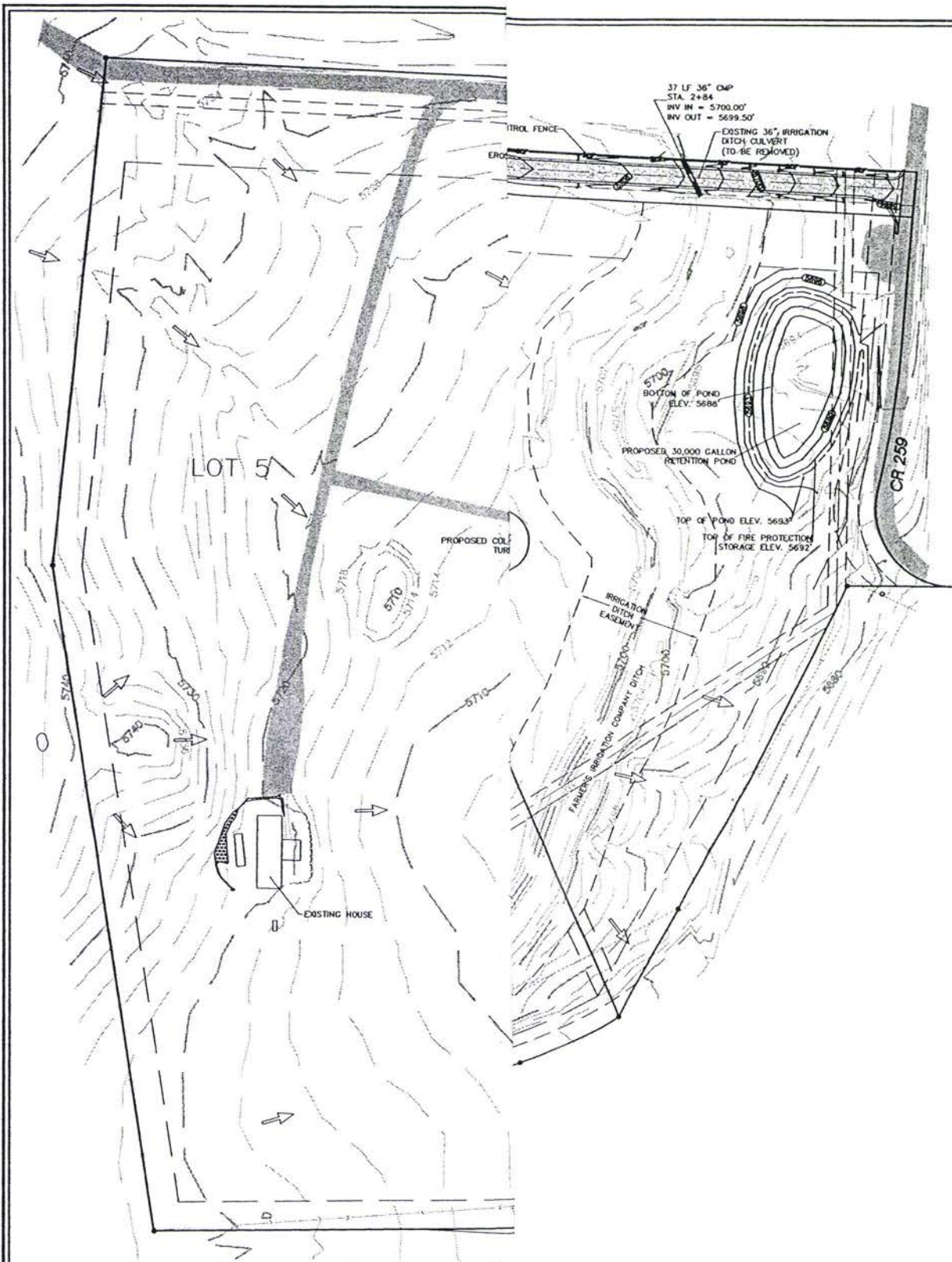
1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
 PHONE (970) 945-8676 FAX (970) 945-2555
 WWW.HCENG.COM

TERRI PATRICK
 GARFIELD COUNTY, COLORADO

SILT HEIGHTS SUB.

SCS MAP

DRAWN BY: ERW	SCALE: 1" = 1000'
CHECKED BY: LAH	PROJECT NO: 2000023.02
DATE: 1-8-02	PAGE: 1
FILE: J:/SDSKPROJ/SCS	



LEGEND	
— 5710 —	EXISTING MAJOR CONTOUR
- - - - -	EXISTING MINOR CONTOUR
- - - - -	PROPOSED MINOR CONTOUR
— 5710 —	PROPOSED MAJOR CONTOUR
▭	EXISTING GRAVEL ROAD
▨	PROPOSED GRAVEL ROAD
▭	PROPOSED CULVERT
— — — — —	PROPOSED ROAD CENTERLINE
— — — — —	PROPOSED LOT LINE
— — — — —	PROPOSED SILT CONTROL FENCE
— — — — —	PROPOSED EASEMENT
↔	PROPOSED HAY BALES
→	DRAINAGE FLOW PATH

NO. OF UNDERGROUND UTILITIES HAVE BEEN PLOTTED
 UTILITY MAPS, OTHER INFORMATION PROVIDED BY
 PANIES AND ACTUAL FIELD LOCATIONS IN SOME
 THESE UTILITIES, AS SHOWN, MAY NOT REPRESENT
 3 CONDITIONS, AND SOME LOCATIONS ARE UNKNOWN.
 RESPONSIBILITY OF THE CONTRACTOR TO CONTACT ALL
 PANIES FOR FIELD LOCATIONS OF UTILITIES PRIOR
 TION.

CTION TO BE PER CURRENT GOVERNING AGENCY
 NS.

IS, BOTH UNDERGROUND OR OVERHEAD, SHALL BE
 IN CONTINUOUS SERVICE THROUGHOUT THE ENTIRE
 4 PERIOD, EXCEPT AS NOTED IN THE SPECIAL
 THE CONTRACTOR SHALL BE RESPONSIBLE AND
 ANY DAMAGES TO, OR INTERRUPTION OF, SERVICES
 HE CONSTRUCTION.

TOR SHALL CONTAIN HIS CONSTRUCTION
 TO THE AREA WITHIN THE LIMITS SHOWN ON THE PLANS.
 SHALL NOT OPERATE OUTSIDE THIS AREA WITHOUT
 INSENT OF THE PROPERTY OWNERS INVOLVED.

TO PRIVATE PROPERTY BY THE CONTRACTOR
 SE LIMITS WITHOUT THE PERMISSION OF THE PRIVATE
 ER WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.

SITIVE DRAINAGE AWAY FROM STRUCTURES IN
 NS.



HIGH COUNTRY ENGINEERING, INC.
 14 INVERNESS DRIVE EAST, STE. F-120, ENGLEWOOD, CO. 80112
 PHONE (303) 925-0544 FAX (303) 925-0547
 1517 BLAKE AVENUE, STE. 101, GLENWOOD SPRINGS, CO. 81601
 PHONE (970) 945-8676 FAX (970) 945-2555
 www.hccenp.com

TERRI PATRICK
 GARFIELD COUNTY, COLORADO
 SILT HEIGHTS SUBDIVISION
 GRADING, DRAINAGE, AND
 EROSION CONTROL PLAN

NO.	DATE	REVISION	BY

DRAWN BY: DRD
 CHECKED BY: RDN
 DATE: 10-12-05
 PLOT: GR-01

CALL CITY ENGINEERING FOR THE LOCATION OF
 UNDERGROUND MEMBER UTILITIES
 CALL (970) 945-8676 FOR ADVANCE
 OR 334 - 00700 IN METRO DENVER
 1-800-922-1987
 COUNTY OF COLORADO

PROJECT NO.
 2000023.02

1

Appendix

SILT HEIGHTS
TIME OF CONCENTRATION
2/9/05

Sheet Flow

Description SHEET FLOW
Manning's n 0.1700
Flow Length 300.0000 ft
Two Yr, 24 hr Rainfall 1.2000 in
Land Slope 0.0333 ft/ft
Computed Sheet flow time> 0.5789 hrs

Shallow Concentrated Flow

Description SHALLOW FLOW
Surface Unpaved
Flow Length 400.0000 ft
Watercourse Slope 0.0288 ft/ft
Velocity 2.7381 fps
Computed shallow flow time> 0.0406 hrs

Total Time of Concentration> 0.6195 hrs

EXISTING BASIN 25YR.txt

SILT HEIGHTS
 10-18-05
 BY: DJD,DRD
 EXISTING BASIN, 25 YR

TR-55 Tabular Hydrograph Method
 Input Summary

Description
 EXISTING 25YR
 Rainfall Distribution Type II
 Ia/P Interpolation On
 Total Area 36.4370 ac

 Peak Time 12.7000 hrs
 Peak Flow 2.6765 cfs

Given Input Data:

Subarea Description	D/S Subareas	Area (ac)	CN	Tc (hrs)	Tt (hrs)	Rainfall (in)
Basin		36.4370	68	0.6195	0.0000	2.0000

Support Data:

Subarea Name: Basin , Row: 1

Sheet Flow

Description Sheet
 Manning's n 0.1700
 Flow Length 50.0000 ft
 Two Yr, 24 hr Rainfall 1.2000 in
 Land Slope 0.0475 ft/ft
 Computed Sheet flow time> 0.1198 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Shallow Concentrated Flow

Description
 Surface Unpaved
 Flow Length 750.0000 ft
 Watercourse Slope 0.0475 ft/ft
 Velocity 3.5164 fps
 Computed Shallow flow time> 0.0592 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Total Time of Concentration> 0.1790 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

SILT HEIGHTS
 10-18-05
 BY: DJD,DRD
 EXISTING BASIN, 100 YR

TR-55 Tabular Hydrograph Method
 Input Summary

Description
 EXISTING 100YR
 Rainfall Distribution Type II
 Ia/P Interpolation On
 Total Area 36.4370 ac

 Peak Time 12.6000 hrs
 Peak Flow 6.1294 cfs

Given Input Data:

Subarea Description	D/S Subareas	Area (ac)	CN	Tc (hrs)	Tt (hrs)	Rainfall (in)
Basin		36.4370	68	0.6195	0.0000	2.4000

Support Data:

Subarea Name: Basin , Row: 1

Sheet Flow

Description Sheet
 Manning's n 0.1700
 Flow Length 50.0000 ft
 Two Yr, 24 hr Rainfall 1.2000 in
 Land Slope 0.0475 ft/ft
 Computed Sheet flow time> 0.1198 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Shallow Concentrated Flow

Description
 Surface Unpaved
 Flow Length 750.0000 ft
 Watercourse slope 0.0475 ft/ft
 Velocity 3.5164 fps
 Computed shallow flow time> 0.0592 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Total Time of Concentration> 0.1790 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

PROPOSED BASIN 25YR.txt

SILT HEIGHTS
 10-18-05
 BY: DJD,DRD
 PROPOSED BASIN, 25 YR

TR-55 Tabular Hydrograph Method
 Input Summary

Description
 PROPOSED 25YR
 Rainfall Distribution Type II
 Ia/P Interpolation On
 Total Area 36.4370 ac

 Peak Time 12.7000 hrs
 Peak Flow 2.6765 cfs

Given Input Data:

Subarea Description	D/S Subareas	Area (ac)	CN	Tc (hrs)	Tt (hrs)	Rainfall (in)
Basin		36.4370	68	0.6195	0.0000	2.0000

Support Data:

Subarea Name: Basin , Row: 1

Sheet Flow

Description Sheet
 Manning's n 0.1700
 Flow Length 50.0000 ft
 Two Yr, 24 hr Rainfall 1.2000 in
 Land Slope 0.0475 ft/ft
 Computed Sheet flow time> 0.1198 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Shallow Concentrated Flow

Description
 Surface Unpaved
 Flow Length 750.0000 ft
 Watercourse Slope 0.0475 ft/ft
 Velocity 3.5164 fps
 Computed shallow flow time> 0.0592 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Total Time of Concentration> 0.1790 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

PROPOSED BASIN 100YR.txt

SILT HEIGHTS
 10-18-05
 BY: DJD,DRD
 PROPOSED BASIN, 100 YR

TR-55 Tabular Hydrograph Method
 Input Summary

Description
 PROPOSED 100YR
 Rainfall Distribution Type II
 Ia/P Interpolation On
 Total Area 36.4370 ac

 Peak Time 12.6000 hrs
 Peak Flow 6.1294 cfs

Given Input Data:

Subarea Description	D/S Subareas	Area (ac)	CN	Tc (hrs)	Tt (hrs)	Rainfall (in)
Basin		36.4370	68	0.6195	0.0000	2.4000

Support Data:

Subarea Name: Basin , Row: 1

Sheet Flow

Description Sheet
 Manning's n 0.1700
 Flow Length 50.0000 ft
 Two Yr, 24 hr Rainfall 1.2000 in
 Land Slope 0.0475 ft/ft
 Computed Sheet flow time> 0.1198 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Shallow Concentrated Flow

Description Unpaved
 Surface
 Flow Length 750.0000 ft
 Watercourse slope 0.0475 ft/ft
 Velocity 3.5164 fps
 Computed shallow flow time> 0.0592 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Total Time of Concentration> 0.1790 hrs

Messages:

Info: Time of Concentration rounded to 0.5000 hrs in row <1>.
 Info: Time of Travel rounded to 0.1000 hrs in row <1>.

Included with this soil in mapping are small areas of Detra soils and Rock outcrop. These areas make up about 5 to 10 percent of the map unit.

Permeability is moderately slow, and available water capacity is high. The effective rooting depth is 60 inches or more. Surface runoff is medium, and the erosion hazard is moderate.

This soil is used mainly for wildlife habitat and limited grazing.

The native vegetation on this soil is mainly Gambel oak, serviceberry, elk sedge, and bromes.

When range condition deteriorates, forbs and woody shrubs increase. When the range is in poor condition, Kentucky bluegrass, undesirable weeds, and annual plants are abundant. Properly managing grazing maintains and improves range condition.

Mule deer, elk, cottontail rabbit, wild turkey, and blue grouse find habitat on this soil.

Community development and sanitary facilities are limited by steep slopes and low strength.

This soil is in capability subclass VIIe, nonirrigated.

2—Arle-Ansari-Rock outcrop complex, 12 to 65 percent slopes. This complex consists of strongly sloping to steep soils and Rock outcrop on mountainsides and sloping alluvial fans. Elevation ranges from 5,500 to 7,000 feet. The soils formed in alluvium derived from reddish shale and sandstone. The average annual precipitation is about 16 inches, the average annual air temperature is about 42 degrees F, and the average frost-free period is about 100 days.

The Arle soil makes up about 45 percent of the complex, the Ansari soil makes up about 35 percent, and Rock outcrop makes up about 20 percent.

The Arle soil is moderately deep and well drained. Typically, the surface layer is reddish brown very stony loam about 10 inches thick. The subsoil and substratum are reddish brown very stony loam about 22 inches thick. Soft reddish brown sandstone and shale are at a depth of 32 inches.

Permeability of the Arle soil is moderate, and available water capacity is low. Effective rooting depth is about 20 to 40 inches. Surface runoff is medium, and the erosion hazard is severe.

The Ansari soil is shallow and well drained. Typically, the surface layer is reddish brown loam about 10 inches thick. The substratum is reddish brown stony loam. Bedrock is hard, reddish brown sandstone.

Permeability of the Ansari soil is moderate, and available water capacity is low. Effective rooting depth is about 10 to 20 inches. Surface runoff is rapid, and the erosion hazard is severe.

Rock outcrop is mainly red sandstone.

This complex is used mainly for grazing and wildlife habitat.

The native vegetation on the Arle soil is mainly wheatgrass, Indian ricegrass, mountainmahogany, and sage-

brush. The native vegetation on the Ansari soil is mainly Indian ricegrass, wheatgrass, and sagebrush.

When range condition deteriorates, forbs and shrubs increase. When the range is in poor condition, undesirable weeds and annual plants are numerous. Properly managing grazing maintains and improves range condition.

Mule deer, rabbit, and grouse find habitat on these soils.

Use of this complex for community development or as a source of construction material is limited mainly by depth to rock, steep slopes, thin layers of borrow material, and large stones. Special design can overcome these limitations. Drainage and structures to control runoff from snowmelt reduce erosion around construction sites and roads.

This complex is in capability subclass VIIe, nonirrigated.

★ **3—Arvada loam, 1 to 6 percent slopes.** This deep, well drained, sloping soil is on fans and high terraces (fig. 4). Elevation ranges from 5,100 to 6,200 feet. This soil formed in highly saline alluvium derived from sandstone and shale. The average annual precipitation is about 12 inches, the average annual air temperature is about 48 degrees F, and the average frost-free period is about 120 days.

Typically, the surface layer is strongly alkaline or very strongly alkaline, pale brown loam about 3 inches thick. The subsoil is brown silty clay loam about 14 inches thick. The substratum is light brown or brown silty clay loam to a depth of 60 inches.

Included with this soil in mapping are small areas of Limon, Kim, Heldt, and Wann soils. Also included are some soils that are high in silt.

Permeability is very slow, and available water capacity is moderate. Effective rooting depth is 60 inches or more. Organic matter content of the surface layer is low. Surface runoff is medium, and the erosion hazard is moderate.

This soil is used mainly for wildlife habitat, limited grazing, and some irrigated farming.

Irrigated crops produce very poorly because the soil takes water in very slowly and is droughty. Leaching is needed to remove excess salts if this soil is to be irrigated. Soil amendments containing sulphur are helpful in leaching the salt.

The native vegetation on this soil is mainly saltgrass, alkali sacaton, and greasewood.

When range condition deteriorates, forbs and shrubs increase. Properly managing grazing maintains and improves range condition. Seeding improves range in poor condition. Western wheatgrass, alkali sacaton, and tall wheatgrass are suitable for seeding. Preparing a seedbed and drilling the seed are good practices. Irrigating new seedings is necessary for successful establish-

ment. Reducing brush improves the range if the grass understory is adequate.

Cottontail rabbit and pheasant find shelter on this soil if they can obtain food in surrounding areas.

Use of this soil for sanitary facilities, for community development, and as a source of construction material is limited by the high shrink-swell potential, slow permeability, clayey textures, and salinity.

This soil is in capability subclass VII_s, irrigated and nonirrigated.

4—Arvada loam, 6 to 20 percent slopes. This deep, well drained, sloping soil is on fans and high terraces. Elevation ranges from 5,100 to 6,200 feet. This soil formed in highly saline alluvium derived from sandstone and shale. The average annual precipitation is about 12 inches, average annual air temperature is about 48 degrees F, and the average frost-free period is about 120 days.

Typically, the surface layer is moderately alkaline, pale brown loam about 3 inches thick. The subsoil is brown silty clay loam about 14 inches thick. The substratum is light brown or brown silty clay loam to a depth of 60 inches.

Included with this soil in mapping are small areas of Limon, Kim, and Heldt soils.

Permeability is very slow, and available water capacity is low. Effective rooting depth is 60 inches or more. Organic matter content of the surface layer is low. Surface runoff is moderately rapid, and the erosion hazard is severe.

This soil is used mainly for wildlife habitat and limited grazing.

The native vegetation on this soil is mainly sagebrush, greasewood, and wheatgrass.

When range condition deteriorates, grasses decrease and weedy forbs, cheatgrass, big sagebrush, and greasewood increase. Properly managing grazing maintains and improves range condition. Seeding improves range in poor condition. Western wheatgrass and tall wheatgrass are suitable for seeding. Preparing a seedbed and drilling the seed are good practices. Irrigating new seedings is necessary for successful establishment. Brush should not be reduced because grass production is low and some desirable native shrubs could be destroyed.

Cottontail and pheasants find shelter on this soil if they can obtain food in surrounding areas.

Use of this soil for sanitary facilities and as a source of construction material is limited by the large amounts of clay and salts. This soil is corrosive to steel and concrete. Community development is limited by high shrink-swell potential, salinity, and steep slopes.

This soil is in capability subclass VII_s, nonirrigated.

5—Ascalon fine sandy loam, 1 to 6 percent slopes. This deep, well drained, nearly level to gently sloping soil

is on mesas, alluvial fans, and terraces. Elevation ranges from 5,000 to 6,500 feet. The soil formed in alluvium derived from sandstone and shale. The average annual precipitation is about 14 inches, the average annual air temperature is about 48 degrees F, and the average frost-free period is about 120 days.

Typically, the surface layer is brown fine sandy loam about 5 inches thick. The subsoil is brown and yellowish brown sandy clay loam about 30 inches thick. The substratum is very pale brown sandy clay loam to a depth of 60 inches.

Included with this soil in mapping are small areas of Olney and Potts soils that have slopes of 1 to 6 percent.

Permeability is moderate, and available water capacity is moderate. Effective rooting depth is 60 inches. Surface runoff is slow, and the erosion hazard is moderate.

This soil is used mainly for irrigated crops, hay, and pasture. Some areas are used for grazing and wildlife habitat.

This soil is irrigated mainly by corrugations. Sprinklers are also suitable. This soil erodes easily. Such practices as minimum tillage, grassed waterways, and tail water control reduce the danger of excessive erosion. Drop structures in irrigation ditches control water and prevent excessive ditch erosion.

The native vegetation on this soil is mainly needlethread, wheatgrasses, and sagebrush.

When range condition deteriorates, forbs and shrubs increase. When the range is in poor condition, undesirable weeds and annual plants are numerous. Properly managing grazing maintains and improves range condition. Reducing brush also improves the range. Seeding improves range in poor condition. Pubescent wheatgrass, western wheatgrass, and big bluegrass are suitable for seeding. Preparing a seedbed and drilling the seed are good practices.

This soil has potential as habitat for pheasant, cottontail rabbit, mourning dove, and squirrel. These animals mostly obtain food and shelter in areas of crops and hay.

This soil has few limitations for community development. Low strength and frost action affect structures and roads. Community sewage systems will be needed if the population density increases.

This soil is in capability subclasses III_e, irrigated, and IV_e, nonirrigated.

6—Ascalon fine sandy loam, 6 to 12 percent slopes. This deep, well drained, moderately sloping to rolling soil is on mesas, terraces, sides of valleys, and alluvial fans. Elevation ranges from 5,000 to 6,500 feet. The soil formed in alluvium derived from sandstone and shale. The average annual precipitation is about 14 inches, the average annual air temperature is about 48 degrees F, and the average frost-free period is about 120 days.

Typically, the surface layer is brown fine sandy loam about 5 inches thick. The subsoil is brown and yellowish

Surface runoff is slow, and the erosion hazard is moderate.

This soil is used mainly for crops, hay, and pasture. Alfalfa, small grains, and grass or grass-legume mixtures are grown.

This soil is irrigated by flooding or furrows. Sprinklers are also suitable. Drop structures in ditches control water and prevent excessive ditch erosion.

The native vegetation on this soil is mainly wheatgrasses, needleandthread, and sagebrush.

When range condition deteriorates, forbs and shrubs increase. When the range is in poor condition, undesirable weeds and annual plants are numerous. Properly managing grazing maintains and improves range condition. Reducing brush improves the range. Seeding improves range in poor condition. Crested wheatgrass, western wheatgrass, and Russian wildrye are suitable for seeding. Preparing a seedbed and drilling the seed are good practices.

Cottontail rabbit, ground squirrel, and pheasant find habitat on this soil.

Use of this soil for community development and as a source of construction material is limited by low strength.

This soil is in capability subclasses IIIe, irrigated, and Vc, nonirrigated.

41—Kim loam, 6 to 12 percent slopes. This deep, well drained, moderately sloping to rolling soil is on alluvial fans and benches. Elevation ranges from 5,000 to 7,000 feet. This soil formed in alluvium derived from sandstone. The average annual precipitation is about 12 inches, the average annual air temperature is about 48 degrees F, and the average frost-free period is about 125 days.

Typically, the surface layer is yellowish brown or light yellowish brown loam about 17 inches thick. The underlying material is light brownish gray loam to a depth of 30 inches. In places the underlying material is stratified with fine sandy loam.

Included with this soil in mapping are small areas of vada and Potts soils that have slopes of 6 to 12 percent. These areas make up 5 to 15 percent of the map unit.

Permeability is moderate, and available water capacity is high. Effective rooting depth is 60 inches or more. Surface runoff is slow, and the erosion hazard is moderate.

This soil is used mainly for crops, hay, and pasture. Alfalfa, small grains, and grass or grass-legume mixtures are grown.

This soil is irrigated by flooding and furrows. Sprinklers are also suitable. Drop structures in irrigation ditches control water and prevent excessive ditch erosion. Keep the soil in hay or pasture at least three-fourths of the time to help control erosion.

The native vegetation on this soil is mainly wheatgrasses, needleandthread, and sagebrush.

When range condition deteriorates, forbs and shrubs increase. When the range is in poor condition, undesirable weeds and annual plants are numerous. Properly managing grazing maintains and improves range condition. Reducing brush improves the range. Seeding improves range in poor condition. Crested wheatgrass, western wheatgrass, and Russian wildrye are suitable for seeding. Preparing a seedbed and drilling the seed are good practices.

Cottontail rabbit, ground squirrel, and pheasant find habitat on this soil.

Use of this soil for community development and as a source of construction material is limited by low strength and steep slopes.

This soil is in capability subclasses IVe, irrigated, and VIe, nonirrigated.

42—Lamphier loam, 15 to 50 percent slopes. This deep, well drained, steep soil is on fans and mountainsides. Elevation ranges from 7,500 to 10,000 feet. This soil formed in residuum from sandstone and shale. The average annual precipitation is about 21 inches, the average annual air temperature is about 40 degrees F, and the frost-free period is less than 75 days.

Typically, the surface layer is dark brown loam about 30 inches thick. The underlying material is reddish brown and dark reddish brown loam to a depth of 60 inches.

Included with this soil in mapping are small areas of Almy soils and Rock outcrop. The Almy soils are at lower elevations. These areas make up 5 to 10 percent of the map unit.

Permeability is moderate, and available water capacity is high. Effective rooting depth is 60 inches or more. Surface runoff is slow, and the erosion hazard is slight.

This soil is used mainly for grazing, wildlife habitat, and recreation.

The native vegetation is aspen and an understory of bromes, elk sedge, wildrye, wheatgrass, peavine, columbine, snowberry, serviceberry, and chokecherry.

When the understory vegetation deteriorates, forbs, shrubs, and Kentucky bluegrass increase. Properly managing grazing maintains and improves the understory vegetation.

This soil is suited to production of quaking aspen. It can produce 4,050 cubic feet of wood per acre or 6,800 board feet of timber from a fully stocked, even-aged stand of 80-year-old trees. At the present there is no commercial harvest of the aspen. Steep slopes affect harvesting, and special attention is needed to reduce soil loss during harvest.

Mule deer, elk, blue grouse, and snowshoe rabbit find habitat on this soil.

Septic tank filter fields, community development, and roads are limited by steep slopes. Surface runoff from snowmelt increases the erosion hazard on cuts and fills. Seeding reduces the erosion hazard. Roads can be de-

55—Potts loam, 3 to 6 percent slopes. This deep, well drained, moderately sloping soil is on mesas, benches, and sides of valleys. Elevation ranges from 5,000 to 7,000 feet. This soil formed in alluvium derived from sandstone, shale, or basalt. The average annual precipitation is about 14 inches, the average annual air temperature is about 46 degrees F, and the average frost-free period is about 120 days.

Typically, the surface layer is brown loam about 4 inches thick. The subsoil is reddish brown clay loam about 24 inches thick. The substratum is pinkish white loam to a depth of 60 inches.

Included with this soil in mapping are small areas of Olney, Kim, and Ildefonso soils that have slopes of 3 to 6 percent. These areas make up 10 to 15 percent of the map unit.

Permeability is moderate, and available water capacity is high. Effective rooting depth is 60 inches or more. Surface runoff is slow, and the erosion hazard is moderate.

This soil is used mainly for irrigated crops and hay and for dryland farming (fig. 10). Alfalfa, small grains, and grass-legume hay are grown. Small areas are used for grazing.

These soils are usually irrigated by flooding. Drop structures in irrigation ditches, grassed waterways, and minimum tillage prevent serious erosion. Irrigation water should be carefully managed to avoid piping and erosion. Crops or stubble mulching also help to limit erosion in dryfarmed areas.

The native vegetation on this soil is mainly wheatgrass, needleandthread, and sagebrush.

When range condition deteriorates, forbs and shrubs increase. When the range is in poor condition, undesirable weeds and annual plants are numerous. Properly managing grazing maintains and improves range condition. Reducing brush improves the range. Seeding improves range in poor condition. Crested wheatgrass, western wheatgrass, and Russian wildrye are suitable for seeding. Preparing a seedbed and drilling the seed are good practices.

Pheasant, mourning dove, cottontail rabbit, some mule deer, and squirrel find habitat on this soil.

Community development and recreation are limited by low strength and the shrink-swell potential. Dwellings and roads can be designed to overcome these limitations. Community sewage systems will be needed if the population density increases.

This soil is in capability subclasses IIIe, irrigated, and IVe, nonirrigated.

56—Potts loam, 6 to 12 percent slopes. This deep, well drained, moderately sloping to rolling soil is on mesas, benches, and sides of valleys. Elevation ranges from 5,000 to 7,000 feet. This soil formed in alluvium derived from sandstone, shale, or basalt. The average annual precipitation is about 14 inches, the average

annual air temperature is about 46 degrees F, and the average frost-free period is about 120 days.

Typically, the surface layer is brown loam about 4 inches thick. The subsoil is reddish brown clay loam about 24 inches thick. The substratum is pinkish white loam to a depth of 60 inches.

Included with this soil in mapping are small areas of Kim, Olney, and Ildefonso soils that have slopes of 6 to 12 percent. These areas make up 10 to 15 percent of the map unit.

Permeability is moderate, and available water capacity is high. Effective rooting depth is 60 inches or more. Surface runoff is medium, and the erosion hazard is severe.

This soil is used mainly for grazing, wildlife habitat, and some dryland farming (fig. 10). Wheat, barley, and oats are grown.

Minimum contour tillage and stubble mulching help to prevent excessive erosion.

The native vegetation on this soil is mainly wheatgrass, needleandthread, and sagebrush.

When range condition deteriorates, forbs and shrubs increase. When the range is in poor condition, undesirable weeds and annual plants are numerous. Properly managing grazing improves and maintains range condition. Reducing brush improves range. Seeding improves range in poor condition. Crested wheatgrass, western wheatgrass, and Russian wildrye are suitable for seeding. Preparing a seedbed and drilling the seed are good practices.

Community development and recreation are limited by low strength, shrink-swell potential, and slope. Dwellings and roads can be designed to overcome these limitations. Community sewage systems will be needed if the population density increases.

This soil is in capability subclass IVe, irrigated and nonirrigated.

57—Potts-Ildefonso complex, 3 to 12 percent slopes. These gently sloping to rolling soils are on mesas and sides of valleys. Elevation ranges from 5,000 to 6,500 feet. The Potts soil formed in alluvium derived from sandstone, shale, or basalt. The Ildefonso soil formed in very strongly calcareous, basaltic alluvium and small amounts of eolian material. The average annual precipitation is about 14 inches, the average annual air temperature is about 46 degrees F, and the average frost-free period is about 120 days.

The Potts soil makes up about 60 percent of the map unit, and the Ildefonso soils makes up about 30 percent. The Potts soil is on slightly concave positions, and the Ildefonso soil is on the breaks of steeper slopes.

The Potts soil is deep and well drained. Typically, the surface layer is brown loam about 4 inches thick. The subsoil is reddish brown clay loam about 24 inches thick. The substratum is pinkish white loam that extends to a depth of 60 inches.

Table 8.7.3 Runoff Curve Numbers (continued)

Cover		Hydrologic Condition ^d	Curve Numbers for Hydrologic Soil Group			
Land Use	Treatment of Practice		A	B	C	D
Small grain	Contoured	Poor	70	79	84	88
	Contoured	Good	65	75	82	86
	Contoured and conservation tillage	Poor	69	78	83	87
	Contoured and terraces	Good	64	74	81	85
	Contoured and terraces	Poor	66	74	80	82
	Contoured and terraces	Good	62	71	78	81
	Contoured and terraces and conservation tillage	Poor	65	73	79	81
	Contoured and terraces and conservation tillage	Good	61	70	77	80
	Straight row	Poor	65	76	84	88
	Straight row	Good	63	75	83	87
	Conservation tillage	Poor	64	75	83	86
	Conservation tillage	Good	60	72	80	84
	Contoured	Poor	63	74	82	85
	Contoured	Good	61	73	81	84
	Contoured and conservation tillage	Poor	62	73	81	84
	Contoured and conservation tillage	Good	60	72	80	83
	Contoured and terraces	Poor	61	72	79	82
	Contoured and terraces	Good	59	70	78	81
Contoured and terraces and conservation tillage	Poor	60	71	78	81	
Contoured and terraces and conservation tillage	Good	58	69	77	80	
Close-seeded legumes or rotation meadow ^e	Straight row	Poor	66	77	85	89
	Straight row	Good	58	72	81	85
	Contoured	Poor	64	75	83	87
	Contoured	Good	55	69	78	82
	Contoured and terraces	Poor	63	73	80	84
	Contoured and terraces	Good	51	67	76	80
Noncultivated agricultural land Pasture or range	No mechanical treatment	Poor	68	79	86	90
	No mechanical treatment	Fair	49	69	79	83
	No mechanical treatment	Good	39	61	74	78
	Contoured	Poor	47	67	81	85
	Contoured	Fair	25	59	75	79
	Contoured	Good	6	35	70	74
Meadow	—	30	58	71	75	
Forestland—grass or orchards—evergreen or deciduous	—	Poor	55	73	82	86
	—	Fair	44	65	76	80
	—	Good	32	58	72	76
Brush	—	Poor	48	67	77	81
	—	Good	20	48	65	69
Woods	—	Poor	45	66	77	81
	—	Fair	36	60	73	77
	—	Good	25	55	70	74
Farmsteads	—	59	74	82	86	
Forest—range Herbaceous	—	Poor		79	86	90
	—	Fair		71	80	84
	—	Good		61	74	78

file 8.7.2

The values of *CN* for various land uses on these soil types are given in Table 8.7.3. For a watershed made up of several soil types and land uses, a composite *CN* can be calculated.

Minimum infiltration rates for the various soil groups are:

Group	Minimum Infiltration Rate (in/hr)
A	0.30 - 0.45
B	0.15 - 0.30
C	0 - 0.05

Table 8.7.3 Runoff Curve Numbers (Average Watershed Condition, $I_a = 0.25$)

Land Use Description	Curve Numbers for Hydrologic Soil Group					
	A	B	C	D		
Fully developed urban areas ^a (vegetation established)						
Lawns, open spaces, parks, golf courses, cemeteries, etc.						
Good condition, grass cover on 75% or more of the area	39	61	74	80		
Fair condition, grass cover on 50% to 75% of the area	49	69	79	84		
Poor condition, grass cover on 50% or less of the area	68	79	86	89		
Paved parking lots, roofs, driveways, etc.	98	98	98	98		
Streets and roads						
Paved with curbs and storm sewers	98	98	98	98		
* Gravel	76	85	89	91		
Dirt	72	82	87	89		
Paved with open ditches	83	89	92	93		
	Average % impervious ^b					
Commercial and business areas	85	89	92	94		
Industrial districts	72	81	88	91		
Row houses, town houses, and residential with lot sizes 1/8 acre or less	65	77	85	90		
Residential: average lot size						
1/4 acre	38	61	75	83		
1/3 acre	30	57	72	81		
1/2 acre	25	54	70	80		
1 acre	20	51	68	79		
2 acre	12	46	65	77		
Developing urban areas ^c (no vegetation established)						
Newly graded area	77	86	91	94		
	Cover					
Land Use	Treatment of Practice	Hydrologic Condition ^d				
Cultivated agricultural land						
Fallow	Straight row	77	86	91	94	
	Conservation tillage	Poor	76	85	90	93
	Conservation tillage	Good	74	83	88	90
Row crops	Straight row	Poor	72	81	88	91
	Straight row	Good	67	78	85	89
	Conservation tillage	Poor	71	80	87	90
	Conservation tillage	Good	64	75	82	85

oil type and

usually high

saline soils

SHALLOW UTILITY, WATER SERVICE, AND SEWAGE TREATMENT REPORT SILT HEIGHTS SUBDIVISION

SHALLOW UTILITY

The subdivision will receive electric and telephone service from an existing overhead utility line that runs along the existing shared driveway at the east property line of the subdivision. Parcel 4 currently serves off of this line on the north end of the property. Parcel 1 through 3 will connect to a proposed underground line served off a relocated utility pole at the proposed cul-de-sac.

The property is not currently served by gas or cable. The proposed subdivision does not propose to extend these services from an offsite location.

WATER

The Silt Heights Subdivision will be served by individual water wells. The individual water demand of the subdivision will be typical of a single-family residential community. Each single-family lot can be expected to demand approximately 420 gallons/day based on a 3.5 persons/residence occupancy rate. All four wells are currently in place and meet the minimum requirements for water quality and pump test results. The individual lot owners will be responsible for water treatment and maintenance of their respective well once the building permits are issued. The location of the existing wells can be seen on the master utility plan of the preliminary plan set.

SEWER

The Silt Heights Subdivision will be served by Individual Sewage Disposal Systems (ISDS). The sewage generated by the subdivision will be typical of a single-family residential community. Each single-family lot can be expected to generate approximately 350 gallons/day based on a 3.5 persons/residence occupancy rate plus the wastewater from the water treatment process. Individual lot owners will be responsible for the installation of an engineered ISDS. Maintenance of each system will be the responsibility of the individual lot owner as outlined in the protective covenants of the subdivision.

INDIVIDUAL SEPTIC DISPOSAL SYSTEM PLAN FOR SILT HEIGHTS SUBDIVISION

Silt Heights Subdivision is located in the W1/2SW1/4 S 27, E1/2SE1/4 of section 28 and the NW1/4NW1/4 of Section 34, Township 5 South, Range 92 West of the 6th P.M., County of Garfield, State of Colorado. This subdivision will be served by Individual Sewage Disposal Systems (ISDS) since the lot sizes are consistent with the Garfield County Zoning Resolution. ISDS design, installation, and maintenance will be the responsibility of the individual lot owner. ISDS systems will be designed by a professional engineer registered in the State of Colorado per Garfield County or State Regulations. The installation will be inspected and certified by a professional engineer registered in the State of Colorado and/or his representative. Maintenance shall be performed by a licensed contractor in the State of Colorado engaged in the business of cleaning and maintaining ISDS systems.

Silt Heights Subdivision is located in Garfield County. Any ISDS questions or concerns should be directed to Garfield County representatives and Garfield County code should be referenced. Garfield County contact information is:

Garfield County Building
108 8th Street, Suite 200
Glenwood Springs, Colorado 81601
(970) 945-8212

INTRODUCTION

An Individual Sewage Disposal System (ISDS), also referred to as a "septic system", receives waste water and solids from a building's plumbing facilities (bathrooms, kitchens, shower, laundry), treats, and then disposes of the effluent from this waste, by permitting it to absorb into the natural soils within the lot. "Treatment" is accomplished by bacterial action in the "septic" or "treatment" tank, and by bacteria within the soil surrounding the effluent absorption system, the "drain-field." This bacterial action is needed to reduce the level of pathogens in the effluent discharges from the waste system into the soil. The principal components of a private on-site waste disposal system usually include the following:

- Piping
- Septic Tank
- Effluent Filter
- Absorption Field

However, many variations on this general scheme are used and special equipment and numerous systems can be designed and utilized for problem or difficult sites.

HOUSEHOLD USE

Your septic system is designed to handle human waste, toilet paper and water from plumbing fixtures such as toilets, baths, and sinks. Household cleaners, detergents and bleach will not damage your system if used in moderation. However, biodegradable and environmentally friendly soaps, detergents and other products are recommended. If your septic field is inundated with harsh chemicals or overloaded with detergents and soaps, your septic system function may be impaired or field failure may occur. Never pour oil, cooking grease, paint, or insecticides into your plumbing system. These items can inhibit the bacteria which are so critical to the proper functioning of your system and/or plug the pores of your system.

Non-degradable paper products, such as diapers, sanitary napkins or tampons, and paper towels are harmful to your system. Also refrain from introducing any other non-biodegradable substances such as condoms, plastic baggies, plastic film-wrap, or cigarette butts. These items can cause serious clogging problems. A garbage disposal can be used if your septic system was designed around it; however, you should have your tank pumped more frequently if large particles are present within the effluent.

Your system is also designed to handle a certain volume of water. If you consistently overload your septic system, you will cause premature failure. A frequent source of overload is leaking plumbing fixtures and water treatment systems. This can amount to hundreds of extra gallons of water going into your septic system each month. Leaks should be repaired immediately.

Other home recommendations for reducing wastewater flow are; installing water-saving devices in your shower heads and faucets and lowering the amount of water hitting the system from the laundry by spreading your weekly washing over several days rather than doing it all within a short time period.

SEPTIC TANK

The bacteria that thrive in a septic tank are called "anaerobic bacteria" because they do not require oxygen. These bacteria are essential to the proper functioning of a septic system as they degrade and decompose the solids. When too much solid material accumulates in the tank over a period of years, it begins to wash out of the tank and into the drain-field with the normal liquid effluent. The solids clog the drain-field absorption rates into the natural soils are reduced. As more solids flow from the tank, the drain-field will eventually not be able to absorb the liquid effluent, and the drain-field will fail. This is the most common cause of drain-field failure. Your drain field should have monitoring wells located at the far end of the field. These wells can help detect or prevent a field failure prior to its occurrence. A professional field maintenance company should be scheduled for regular maintenance and well monitoring. It is suggested that you have your septic tank pumped every 2 years on a regular maintenance schedule.

DRAINFIELD AREA

The drain-field is ideally located in a sunny open area for maximum evaporation. Trees and shrubs should not be planted near the drain-field as root intrusion may impair the drain-field. Any plants that do not have deep roots can be planted over a drain-field. Grasses and ground cover provide the highest level of evapo-transpiration (the cycle of plants taking moisture from the soil by their root systems and giving it off to the atmosphere using the sun's energy) without the complication of root systems clogging drainpipes and gravel beds. Mulched areas of flower beds do hold moisture and decrease drain-field efficiency. Walkways, patios, parking areas, decks or other permanent structures should not be constructed over either the septic tank or the drain-field. Vehicle traffic should be kept off of the drain-field and heavy trucks/equipment should be kept a minimum of 10 horizontal feet away from the drain-field area. Heavy vehicles can cause the drain-field to collapse. Rainwater or other drainage water should be diverted from the drain-field area. The drain-field is designed to meet the capacity of waste water coming from the house. Additional water from poor drainage may cause premature field failure.

OPERATION AND MAINTENANCE OF ISDS

(PER COLORADO STATE BOARD OF HEALTH, CHAPTER 25, ARTICLE 10 – REVISED 2000)

A. Responsibility: The owner and the party in possession of real property upon which an individual sewage disposal system is used, shall be jointly and severally responsible for operation and maintenance of the system unless jurisdiction for responsibility has been transferred to a public, quasi-public, or political subdivision. The person denying such responsibility shall bear the burden of proof for such denial upon establishment of ownership or possessory rights in the property served by the system.

B. Service Label: For treatment plants utilizing mechanical apparatus or under a service policy, a clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at a conspicuous location.

C. Maintenance and Cleaning: When directed by the local health department, for the purpose of obtaining compliance with rules and regulations, the owner or user of a system shall provide for maintenance and cleaning of an individual sewage disposal system and shall notify the local health department upon completion of any maintenance work and report to said department and submit such evidence of compliance with any maintenance and cleaning schedule in the form and as the department requires.

1. The local board of health may adopt rules and regulations for the scheduling of maintenance and cleaning of systems and practices adequate to insure proper functioning of acceptable systems, and may require proof of proper maintenance and cleaning, pursuant to any such schedules and practices, to be submitted periodically to the local department of health by the owner of the system.

D. Monitoring and Sampling:

1. Reasonable periodic collection and testing by the local health department of effluent samples from individual sewage disposal systems for which monitoring of effluent is necessary in order to insure compliance with the provisions of rules and regulations may be performed not more than two times a year, except when required by the health officer in conjunction with an enforcement action.
2. Any owner or occupant of property on which an individual sewage disposal system is located may request the local health department to collect and test an effluent sample from the system. The local health department may perform such collection and testing services.
3. If the local health department collects and tests effluent samples, a fee not to exceed that which is allowed by 25-10-101 et. seq. (as amended) C.R.S. 1973, may be charged for each sample collected and tested. Payment of such charge may be stated in the permit as a condition for its continued use.

E. Disposal of Waste Materials:

Disposal of waste materials removed from a system in the process of maintenance or leaning shall be accomplished at a site approved by local county officials in a manner which does not create a hazard to the public health, a nuisance or an undue risk of pollution and which complies with state and local rules and regulations. (See Sludge Regulations and Solid Waste Regulations.)

F. No Discharge is Permitted Which Does not Comply With Rules and Regulations:

No sewage or effluent shall be permitted to be discharged into or upon the surface of the ground or into state waters unless the sewage system and effluent meets the minimum requirements of applicable rules and regulations.

G. Termination of Use of System:

The contents of a septic tank, vault, or seepage pit, the use of which has been terminated, shall be properly disposed of whereupon the emptied tank, vault, or pit shall be filled with soil or rock, or the health officer may require the tank or vault to be removed and disposed of properly.

SUMMARY

ISDS systems are a good alternative to homeowners who do not have access to a community sewage disposal system. With the proper monitoring and maintenance of your ISDS system, many years of trouble free functioning can be had out of your ISDS system.

ESTIMATED TRAFFIC GENERATION SILT HEIGHTS SUBDIVISION

Below are the calculation to determine the average daily traffic volume that can be expected to be generated at build out of the Silt Heights Subdivision:

Number of Primary Residences: 4

Number of Additional Dwelling Units (ADUs): 0

Number of vehicles per day generated by single-family detached residential per the ITE Trip Generation Manual, 6th Edition: 9.57 per residence

4 residences x 9.57 trips/day/residence = 38.28 ADT

The impact fees are expected to be about \$210 per average daily trip for 4 units (4 lots with 0 ADUs) minus the appropriate discounts according to previous County comments on Sketch plan review. Using the traffic generation estimate of 38.28 trips per day, the general traffic impact figure equates to \$8,190. One half of the fee (\$4,095) will be submitted at final plat and the other half will be paid by the individual lot owners prior to building permits being issues.

RECEIVED AUG 31 2001

Silt Water Conservancy District
P. O. Box 8
Silt, Colorado 81652

August 29, 2000

Terri Patrick
P. O. Box 561
Rifle, Colorado 81650

Dear Ms. Patrick:

Having reviewed the proposed Silt Heights Subdivision sketch plan, we note that the irrigation ditch depicted on the sketch plan and which runs through Lots 1, 2 and 3 is actually the Farmer's Irrigation Company canal.

The Farmer's Irrigation Company (FICo) canal system is managed and operated by Silt Water Conservancy District (SWCD). FICo has a long established right-of-way of 50 feet from the waters edge on both sides of the ditch for access and maintenance along its canal system. Our By-Laws prohibit the erection of structures of any type within twenty-five (25) feet of centerline of the canal on both sides, except for right angle crossings of fences, roads or pipelines. We have specific guidelines and specifications for the construction of these crossings. A permit for such crossings must be obtained from Silt Water Conservancy District before any construction can take place.

We strongly advise that the FICo canal depicted on the Preliminary Plan and Plat be specifically marked as the FICo Canal with notes that no structures may be erected within the 25 foot centerline easement.

Also, be advised that no water may be pumped or otherwise used from this ditch unless the ground has historically been irrigated with either FICo water or Silt Project water, and the land owner must own either Silt Project or FICo water.

Any questions can be answered by contacting the Silt Water Conservancy District at 876-2393.

Sincerely,

SJD

Scot Dodero
Manager

cc: Garfield County Planning Department
High Country Engineering, Inc.

RIFLE FIRE PROTECTION DISTRICT

June 5, 2006

High Country Engineers
Attention: Roger Neal
1517 Blake Avenue, Suite 101
Glenwood Springs, Colorado 81601

Reference: Silt Heights

Mr. Neal,

I have reviewed the changes in the Silt Heights Subdivision reducing the number of homes to 4. In addition, I spoke with Terry Patrick regarding the fire protection water supply concerns. The District will accept the proposed residential sprinkler systems in lieu of the central water storage for the newly constructed homes. The District will not require a retrofit of the existing home shown on the drawings. The other stipulations within the letter dated March 24, 2005 will remain in effect.

Thank you and feel free to contact me if you have any additional questions.

Sincerely,



Mike Morgan
Chief

CC Terry Patrick

Telephone (970) 625-1243 • Fax (970) 625-2963 • www.riflefiredept.org
1850 Railroad Avenue • Rifle, Colorado 81650

Received Time Jun. 5. 1:38PM

20002302

STATE OF COLO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us

RECEIVED
DEC 9 2005
COMMUNITY DEVELOPMENT
BUILDING



Bill Owens
Governor
Russell George
Executive Director
Hal D. Simpson, P.E.
State Engineer

December 2, 2005

Fred Jarman
Garfield County Planning Dept
108 8th St Ste 201
Glenwood Springs CO 81601

Re: Silt Heights Subdivision Sketch/Preliminary Plan
Secs. 27, 28 & 34, T5S, R92W, 6TH PM
W. Division 5, W. District 39

Dear Fred:

We have reviewed the above-referenced proposal to subdivide a parcel of approximately 36.435 acres into four residential lots with one single-family dwelling and one accessory dwelling on each lot. The applicant proposes to supply domestic water through individual on-lot wells. Sewage disposal is to be through individual septic systems. Irrigation water will be provided through the dedication by the applicant of one Farmers Irrigation Company share to each lot for this purpose. Domestic use is estimated at 350 gpd per dwelling, and the irrigation of 2500 square feet per lot is estimated to require 1.6 AF annually.

The applicant currently holds five well permits for the subject property. Permit No. 210911-A was issued for the replacement of an existing well. A condition of approval on the permit requires the applicant to submit a Well Abandonment Report to affirm that the old well has been plugged and abandoned. No such report has been received by this office. Since Permit No. 210911-A was issued pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on the parcel and the parcel is now being subdivided, the presumption under CRS 37-92-602(3)(b)(II)(A) that there will not be material injury to the vested water rights of others or to any other existing well from such well will no longer apply. As such, an augmentation plan is required to offset depletions caused by the pumping of all wells. Based on the above, Permit No. 210911-A cannot be considered a legal source of supply. Since the applicant currently holds four permits issued pursuant to 37-90-137(2), Permit No. 210911-A should be cancelled and the well should be plugged and abandoned. Permit No. 61928-F was issued for the Silt Heights Well No. 1 on November 2, 2004 and expired on November 2, 2005. The applicant may submit evidence of well construction and pump installation along with the required \$30.00 late filing fee to reinstate the permit. Permit Nos. 61929-F and 61930-F were issued on November 2, 2004 for the Silt Heights Well Nos. 2 and 3, respectively. The expiration date for both permits has been extended upon the applicant's request until November 2, 2006. Permit No. 61931-F was issued for the Silt Heights Well No. 4 on November 2, 2004. A Well Construction and Test Report was received by this office on April 13, 2005. The applicant must submit a Pump Installation and Test Report along with the required \$30.00 late filing fee to maintain a valid permit for this well. The uses of Silt Heights Well Nos. 1-4 are each limited each to ordinary household purposes inside one single-family dwelling and one accessory dwelling unit and the irrigation of not more than 2500 square feet of home gardens and lawns.

Received Time Dec. 12. 4:16PM

Fred Jarman
Silt Heights


Page 2
December 2, 2005

The maximum pumping rate for each well is 15 gpm, and the average annual diversion from all four wells combined is limited to 4.57 AF. The submittal also included a copy of Contract No. 020328SHS(a) between the applicant and West Divide Water Conservancy District (District) for 1.55 AF of replacement water.

The September 1, 2005 Water Supply Report by Zancanella and Associates, Inc. included in the submittal incorrectly indicates that the Silt Heights Well No. 1 was drilled under Permit No. 210911-A. As stated above, Permit No. 61928-F was issued for the Silt Heights Well No. 1. This report indicates that both constructed wells were completed within the Tertiary Wasatch Formation. The report references a well test completed by Samuelson Pump Company, which indicates that the well constructed under Permit No. 210911-A produced an average of 7.5 gallons per minute over a two-hour period on April 14, 2003. The report also incorrectly indicates that the Silt Heights Well No. 2 was constructed under Permit No. 61931-F. As stated above, Permit No. 61931-F was issued for the Silt Heights Well No. 4. The well test completed by Samuelson Pump Company indicates that the Silt Heights Well No. 4 produced an average of 3 gallons per minute over a three-hour period on April 5, 2005. If the additional wells have similar production rates and sufficient storage capacity is provided, the domestic water supply should be physically adequate. No information was provided regarding the irrigation water supply.

Based on the above, and pursuant to CRS 30-28-136(1)(h)(I), it is our opinion that the proposed domestic water supply is physically adequate, however material injury will occur to decreed water rights unless the applicant obtains and maintains valid well permits for the proposed wells pursuant to the District's temporary substitute supply plan. Due to a lack of information, we are unable to comment on the physical adequacy of the irrigation supply. The use of the irrigation water rights must not result in an expansion of use, and approval of a change of water right application by the water court may be necessary if the place of use is changed. If you or the applicant has any questions concerning this matter, please contact Cynthia Love at this office for assistance.

Sincerely,



Craig M. Lis, P.E.
Water Resource Engineer

CML/CJL/Silt Heights.doc

cc: Alan Martellaro, Division Engineer, Division 5
James Lemon, Water Commissioner, District 39

Received Time Dec. 12. 4:16PM



Application for Driveway Permit

Person Obtaining Permit: Terri Patrick

Application Date: 1/18/2006

County Road Number: 259

District: Rifle

Permit Number: GRB06-D-6

Termination Date: 4/1/2006

Inspector: Jake Mall

hereby requests permission and authority from the Board of County Commissioners to construct a driveway approach (es) on the right-of-way off of County Road, 259, At Address North of At Address of 1175 CR 259, located on the North side of road for the purpose of obtaining access to property.

Applicant submits herewith for the consideration and approval of the Board of County Commissioners, a sketch of the proposed installation showing all the necessary specification detail including:

1. Frontage of lot along road.
2. Distance from centerline of road to property line.
3. Number of driveways requested
4. Width of proposed driveways and angle of approach.
5. Distance from driveway to road intersection, if any.
6. Size and shape of area separating driveways if more than one approach.
7. Setback distance of building(s) and other structure improvements.
8. No unloading of equipment on county road, any damage caused to county road will be repaired at subdivision expense.
9. Responsible for two years from the date of completion.

General Provisions

- 1) The applicant represents all parties in interest, and affirms that the driveway approach (es) is to be constructed by him for the bona fide purpose of securing access to his property and not for the purpose of doing business or servicing vehicles on the road right of way.
- 2) The applicant shall furnish all labor and materials, perform all work, and pay all costs in connection with the construction of the driveway(s). All work shall be completed within thirty (30) days of the permit date.
- 3) The type of construction shall be as designated and/or approved by the Board of County Commissioners or their representative and all materials used shall be of satisfactory quality and subject to inspection and approval of the Board of County Commissioners or their representative.
- 4) The traveling public shall be protected during the installation with proper warning signs and signals and the Board of County Commissioners and their duly appointed agents and employee shall be held harmless against any action for personal injury or property damage sustained by any reason of the exercise of the Permit.
- 5) The Applicant shall assume responsibility for the removal or clearance of snow, ice, or sleet upon any portion of the driveway approach (es) even though deposited on the driveway(s) in the course of the County snow removal operations.

- 6) In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the entrance shall be surely braced before the fence is cut to prevent any slacking of the remaining fence and all posts and wire removed shall be turned over to the District Road Supervisor of the Board of County Commissioners.
- 7) No revisions or additions shall be made to the driveway(s) or its appurtenances on the right-of-way without written permission of the Board of County Commissioners.
- 8) Provisions and specifications outlined herein shall apply on all roads under the jurisdiction of the Board of County Commissioners of Garfield County, Colorado, and the Specifications, set forth on the attached hereof and incorporated herein as conditions hereof.
- 9) **Final inspection of driveway will be required upon completion and must be approved by person issuing permit or representative of person issuing permit.**
The inspection and sign off must be done prior to any CO from the Building and Planning Department being issued.

Special Conditions:

1. Driveway Width- 40ft
2. Culvert required? False Size: by
3. Asphalt or concrete pad required? True Size of pad: 40ft wide x 10ft long x 4in thick
4. Gravel portion required? True Length: 40ft
5. Trees, brush and/or fence need to be removed for visibility? False
6. Distance and Direction:
7. Certified Traffic Control Required? False
8. Work zone signs required? True
9. Stop sign required at entrance to CR 259

In signing this application and upon receiving authorization and permission to install the driveway approach (es) described herein the Applicant signifies that he has read, understands and accepts the foregoing provisions and conditions and agrees to construct the driveway(s) in accordance with the accompanying specification plan reviewed and approved by the Board of County Commissioners.

Signed: _____

Terri Patrick

Address: _____

1175 CR 259 - RIFLE

Telephone Number: _____

970-618-1488

Permit granted 1/18/2006, subject to the provisions, specifications and conditions stipulated herein.

For Board of County Commissioners' of Garfield County, Colorado:



 Representative of Garfield County Road and Bridge Signature

Specifications

1. A driveway approach is understood to be that portion of the county road right-of way between the pavement edge and the property line that is designed and used for the interchange of traffic between the roadway and abutting property.
2. At any intersection, a driveway shall be restricted for a sufficient distance from the intersection to preserve the normal and safe movement of traffic. (It is recommended for rural residence entrances that a minimum intersection clearance of 50 feet be provided and for rural commercial entrances a minimum of 100 feet be provided.)
3. All entrances and exits shall be so located and constructed that vehicles approaching or using them will be able to obtain adequate sight distance in both directions along the county road in order to maneuver safely and without interfering with county road traffic.
4. The Applicant shall not be permitted to erect any sign or display material, either fixed or movable, on or extending over any portion of the county road right-of-way.
5. Generally, no more than one approach shall be allowed any parcel or property the frontage of which is less than one hundred (100) feet. Additional entrances or exits for parcels having a frontage in excess of one hundred (100) feet shall be permitted only after showing of actual convenience and necessity.
6. All driveways shall be so located that the flared portion adjacent to the traveled way will not encroach upon adjoining property.
7. No commercial driveway shall have a width greater than thirty (30) feet measured at right angles to the centerline of the driveway except as increased by permissible radii. No noncommercial driveway shall have a width greater than twenty (20) feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.
8. The axis of an approach to the road may be at a right angle to the centerline of the county road and of any angle between ninety (90) degrees and sixty (60) degrees but shall not be less than sixty (60) degrees. Adjustment will be made according to the type of traffic to be served and other physical conditions.
9. The construction of parking or servicing areas on the county road right-of-way is specifically prohibited. Commercial establishments for customer vehicles should provide off-the-road parking facilities.
10. The grade of entrance and exit shall slope downward and away from the road surface at the same rate as the normal shoulder slope and for a distance equal to the width of the shoulder but in no case less than twenty (20) feet from the pavement edge. Approach grades are restricted to not more than ten percent (10%).
11. All driveways and approaches shall be so constructed that they shall not interfere with the drainage system of the street or county road. The Applicant will be required to provide, at his own expense, drainage structures at entrances and exits, which will become an integral part of the existing drainage system. The Board of County Commissioners or their representative, prior to installation, must approve the dimensions and types of all drainage structures.

Note: This permit shall be made available at the site where and when work is being done. A work sketch or drawing of the proposed driveway(s) must accompany application. No permit will be issued without drawing, blueprint, or sketch.

Number 1943

5 Shares

The Farmers' Irrigation Company

Capital Stock 500,000.00

This is to Certify, That SILT HEIGHTS SUBDIVISION HOA is the owner of -FIVE- full paid shares of the Capitol Stock of The Farmers' Irrigation Company, transferrable only on the books of the Company upon surrender of this Certificate duly assigned.

Each of the share entitles the owner to one-hundredth (1/100) part of one (1) cubic foot of water per second of time during each irrigation season, for irrigation and domestic purposes only, to be measured and delivered by the Company from it's irrigation system according to the Company's rules and regulations.

Each of said shares of stock is subject to an annual assessment of fifty cents, and to such special assessments as the Company may from time to time levy, for the purposes provided in the Certificate of Incorporation and By-Laws of the Company.

This is to Certify The Farmers' Irrigation Company has caused this Certificate to be signed by it's duly authorized officers and the seal of the Company to be hereunto affixed, this 7TH day of, NOVEMBER A.D. 2007

Peare Knight

Secretary

Scott Rodden

President



SHARES \$100.00 EACH

**SILT HEIGHTS SUBDIVISION
ENGINEERS OPINION OF PUBLIC IMPROVEMENT COSTS
HCE JOB NO: 2000023.02**

August 20, 2007

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ITEM	QUANTITY		UNIT COST	COST
Road Construction				
Earthwork	1	L.S.	\$ 3,000.00	\$ 3,000.00
Topsoil Removal and Stockpiling	1	L.S.	\$ 500.00	\$ 500.00
6" Class 6 Base Material	390	CY	\$ 70.00	\$ 27,300.00
			Subtotal	\$ 30,800.00
Erosion Control				
Sediment Control Fence	648	L.F.	\$ 3.00	\$ 1,944.00
Hay Check Dams	22	Each	\$ 50.00	\$ 1,100.00
			Subtotal	\$ 3,044.00
Miscellaneous				
Electric Transformer	1	Each	\$ 3,000.00	\$ 3,000.00
Traffic Signs	3	Each	\$ 1,200.00	\$ 3,600.00
			Subtotal	\$ 6,600.00
			Subtotal	\$ 40,444.00
Contingency (10%)				\$ 4,044.40
Mobilization (5%)				\$ 2,022.20
			Total	\$ 46,510.60

This summary of probable construction cost was prepared for estimating purposes only. High Country Engineering, Inc. cannot be held responsible for variances from this estimate as actual costs may vary due to bid and market fluctuations.



**SILT HEIGHTS SUBDIVISION
ENGINEERS OPINION OF PUBLIC IMPROVEMENT COSTS
HCE JOB NO: 2000023.02**

August 20, 2007

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ITEM	QUANTITY		UNIT COST	COST
Miscellaneous				
Revegetation	0.5 Acres		\$ 10,000.00	\$ 5,000.00
			Subtotal	\$ 5,000.00
Contingency (10%)				
				\$ 500.00
Mobilization (5%)				
				\$ 250.00
			Total	\$ 5,750.00

This summary of probable construction cost was prepared for estimating purposes only. High Country Engineering, Inc. cannot be held responsible for variances from this estimate as actual costs may vary due to bid and market fluctuations.



SCHEDULE NO: R211013
ASSESSED TO:
PATRICK, TERRI

VENDOR NO:
SHARI NEUROTH

1175 COUNTY ROAD 259
RIFLE, CO 81650-0561

27653 HWY 6 #1609
RIFLE, CO 81650

LEGAL DESCRIPTION:

SECT,TWN,RNG:28-5-92 DESC: A TR IN THE NESE & SESE. SEC. 27: NWSW, SWSW.
SECT,TWN,RNG:34-5-92 DESC: NWNW. SAID PARCEL CONT. 36.44 AC. PRE:R210979 BK:1009 PG:0249
BK:0999 PG:0533 BK:0988 PG:0972 BK:0964 PG:0356 BK:0713 PG:0594 BK:0705 PG:0842 BK:0621 PG:0609
BK:0605 PG:0671 BK:0573 PG:0445 BK:1819 PG:302 RECPT:701759 BK:1083 PG:0499 BK:1059 PG:0311 BK:1026
PG:0378

PARCEL: 2127-284-00-286 SITUS ADD: 001175 259 COUNTY RD RIFLE

TAX YEAR	CHARGE	TAX AMOUNT	INTEREST	FEES	PAID	TOTAL DUE
2006	TAX	477.52	0.00	0.00	477.52	0.00
	TOTAL TAXES					0.00

GRAND TOTAL DUE AS OF 10/29/2007

0.00

ORIGINAL TAX BILLING FOR 2006 TAX DISTRICT 021 - 2HC-RF

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	5.425	56.68	AGRICULTURAL	4,610	1,340
RIFLE & RURAL FIRE	6.284	65.67	AGRICULTURAL	114,500	9,110
COLO RIVER WATER CONS	0.221*	2.31			
SILT WATER CONS	0.904	9.45	TOTAL	119,110	10,450
GRAND RIVER HOSPITAL	4.924*	51.46			
SCHOOL DISTRICT RE-2	7.872	82.27			
COLORADO MTN COLLEGE	3.997	41.77			
GARFIELD ROAD & BRIDGE	3.700	38.67			
GARFIELD HUMAN SERVICES	0.930	9.72			
GARFIELD CAP EXPEND	3.600	37.62			
SCHOOL DISTRICT RE-2 BOND	7.060	73.78			
RIFLE & RURAL FIRE BOND	0.104	1.09			
GRAND RIVER HOSPITAL BOND	0.673	7.03			
TAXES FOR 2006	45.694*	477.52			

* Credit Levy

FEE FOR THIS CERTIFICATE 10.00

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - SEPTEMBER 1, 2007. REAL PROPERTY - OCTOBER 1, 2007 TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal this 29th day of October, 2007.

TREASURER, GARFIELD COUNTY, GEORGIA CHAMBERLAIN, BY *Victoria Cox*

P. O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382





South Rifle

450 Airport Road
Rifle, Colorado 81650
970-625-6650
Fax 970-625-6669

IRREVOCABLE STANDBY LETTER OF CREDIT

Date of Issue: January 3, 2008
Amount: \$52,260.60
Number: 1640111933
Expiration Date: January 1, 2010

APPLICANT: Terri Patrick

BENEFICIARY: Board of County Commissioners of Garfield County, Colorado

PURPOSE: Subdivision Improvement Agreement for Silt Heights Subdivision

To Whom It May Concern:

We hereby establish in Board of County Commissioners of Garfield County, Colorado's favor, at the request and for the benefit of Terri Patrick, our Irrevocable Standby Letter of Credit in an amount not to exceed \$52,260.60 (U.S. \$52,260.60). The purpose of this letter is to secure the performance of and the compliance with, the agreement by and between Terri Patrick and Board of County Commissioners of Garfield County, Colorado, titled "Silt Heights Subdivision, Subdivision Improvements Agreement".

Board of County Commissioners of Garfield County, Colorado shall promptly notify Bank when a default or event of default of said agreement occurs. Your notification shall include any notice or order required to be sent to Terri Patrick pursuant to the agreement. Notice shall be by telephone and in writing to:

Alpine Bank Rifle South
Attention: Joy Wentzel
405 Airport Road
Rifle, CO 81650
Phone #970-625-6650

We hereby agree to honor drafts drawn under and in compliance with the terms of this Letter of Credit if duly presented to a loan officer at 405 Airport Road, Rifle, CO 81650, during normal business hours on or before the expiration date. Partial drawings are permitted. This Letter of Credit is not transferable.

The conditions for payment of any draft drawn against this Letter of Credit are as follows:

1. Receipt by Bank of Board of County Commissioners of Garfield County, Colorado's manually signed statement by an authorized signatory certifying that Terri Patrick has failed to perform with, or comply in accordance with, the provisions of said agreement by and



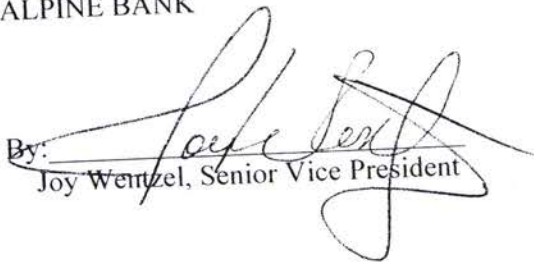
Alpine Bank

between Terri Patrick and Board of County Commissioners of Garfield County, Colorado,
and stating the dollar amount of the default.

2. Presentation of the original Letter of Credit to Bank, endorsed on the reverse side with the words: "Drawn by Board of County Commissioners of Garfield County, Colorado in the amount of (\$ amount)" then manually signed by an authorized signatory.

This Letter of Credit shall be governed by Article V of the Uniform Commercial Code as in effect in the State of Colorado on the date of issue. This Letter of Credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by any document, instrument or agreement referred to herein, or in which this credit is referred to, or to which this credit relates; and no such reference shall be deemed to incorporate herein by reference any such document, instrument or agreement.

ALPINE BANK

By: 
Joy Wentzel, Senior Vice President

WHEREAS, the Board of County Commissioners on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determination of facts:

1. That proper publication, public notice, and posting was provided as required by law for the hearings before the Planning and Zoning Commission and before the Board of County Commissioners.
2. That the public hearings before the Planning and Zoning Commission and the Board of County Commissioners were extensive and complete; all pertinent facts, matters and issues were submitted; and that all interested parties were heard at those hearings.
3. The application is in compliance with the standards set forth in Section 4:00 of the Garfield County Subdivision Regulations of 1984, as amended.
4. That the proposed subdivision of land is in compliance with the recommendations set forth in the Comprehensive Plan for the unincorporated areas of the County.
5. The proposed subdivision of land conforms to the Garfield County Zoning Resolution of 1978, as amended.
6. The proposed use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that based on determination of facts set forth above, the Preliminary Plan request is approved with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners and Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. The Applicant shall include the following plat notes on the final plat:
 - a) *One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries.*
 - b) *No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.*

- c) *All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.*
- d) *No further divisions of land within the Subdivision will be allowed.*
- e) *Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.*
- f) *All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.*
- g) *Based on the analysis of the sub-soils on the property, Individual Sewage Treatment System and foundation designs are required to be conducted by a registered professional engineer licensed to practice within the State of Colorado. These studies and plans shall be submitted with individual building permit application for each lot. The cost of these studies shall be borne by the individual property owner.*
- h) *All streets are dedicated to the public but all streets will be constructed to standards consistent with Section 9:35 of the Subdivision regulation of 1984, as amended and repair and maintenance shall be the responsibility of the Homeowners Association of the subdivision.*
- i) *The mineral rights associated with this property (also known as Parcels 1, 2, 3, and 4 of the Silt Heights Subdivision) have been partially severed and are not fully intact or transferred with the surface estate therefore allowing the*

potential for natural resource extraction on the property by the mineral estate owner(s) or lessee(s).

- j) *The water quality analysis as contained in the Water Supply Plan prepared by Zancanella & Associates on September 1, 2005 states that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that "treatment of the water will be necessary prior to human consumption." It is required that treatment of this water shall be achieved by a Reverse Osmosis (RO) type system. Due to excessive water consumption required by an RO system, all design flows for Individual Sewage Disposal Systems shall also be engineered to accommodate RO treatment systems.*
3. The Applicant shall prepare an "Individual Sewage Disposal System Operation and Maintenance Plan" to be submitted to the Planning Department Staff for review prior to the public hearing before the Board of County Commissioners. This plan shall be incorporated into the covenants as part of the final plat application review.
 4. The protective covenants shall assign responsibility for weed management along roadsides and in common areas to the Homeowners Association. The covenants shall describe how weed management shall occur on individual lots and be managed by each individual lot owner.
 5. The Applicant shall provide a map or information (prior to final plat) that quantifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances. This information will help determine the amount of security that will be held for revegetation.
 6. The Applicant shall provide the revegetation security in the form of a separate letter of credit (amount determined by the County Vegetation Director) to Garfield County until vegetation has been successfully reestablished according to the County's adopted Reclamation Standards. The release of the security shall not occur until a formal opinion has been rendered by the County Vegetation Director as to the level of successful revegetation. This requirement shall be incorporated within the Subdivision Improvements Agreement (SIA).
 7. The Applicant shall provide a "Soil Management Plan" to the County Vegetation Director for approval as part of the final plat submittal. This plan shall include 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.

8. The Applicant shall provide approved well permits for the wells that are to be drilled to provide water to the subdivision and an approved West Divide Water Conservancy District contract as part of the final plat documents. In addition, and prior to the signing of the final plat, all physical water supplies shall demonstrate the following:
 - a) That a four (4) hour pump test be performed on the well to be used;
 - b) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
 - d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
 - e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f) If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs;
 - g) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

9. The Subdivision Improvements Agreement (SIA) as well as the protective covenants shall provide that the irrigation water rights / ditch shares currently assigned to the property are conveyed to and owned by the Homeowners' Association (HOA). All related easements shall be shown on the final plat and dedicated to the HOA.

10. The Applicant shall pay the Traffic Impact Fee to Garfield County to be calculated and paid prior to recordation of the final plat.

11. The Applicant shall pay the cash-in-lieu for the School Site Acquisition Fee for the RE-2 School District of \$200 per dwelling unit prior to recordation of the final plat.

12. The Applicant shall incorporate the following provisions into the protective covenants and as plat notes regarding fire protection for the subdivision:
 - a) All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards. The design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District;
 - b) Vegetation should be removed from near any structures in order to provide a safe zone in the event of a wild land fire;

- c) When constructing access roadways into the parcels, consideration should be given to the weights of fire apparatus and accessibility during adverse weather conditions;
- d) The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway is used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors,

13. Should crossings of the Farmers Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.

14. The applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This shall include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the Manual on Uniform Traffic Control Devices.

Dated this _____ day of _____, A.D. 2006.

ATTEST:

GARFIELD COUNTY
BOARD OF
COMMISSIONERS,
GARFIELD COUNTY,
COLORADO

Clerk of the Board

Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

John Martin _____, Aye
Larry McCown _____, Aye
Trési Houpt _____, Aye

STATE OF COLORADO)
)ss
County of Garfield)

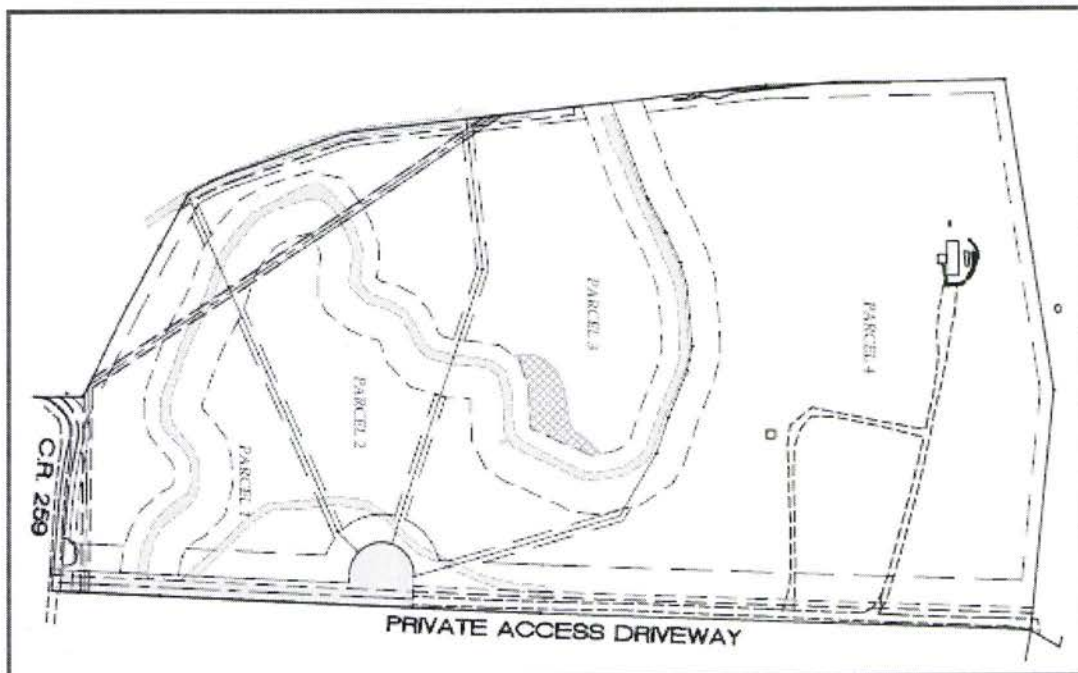
I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 2006

County Clerk and ex-officio Clerk of the Board of County Commissioners

PROJECT INFORMATION AND STAFF COMMENTS

<u>REQUEST</u>	A request for review of a Preliminary Plan for a 4 lot subdivision on thirty-six (36) acres.
<u>OWNER (APPLICANT)</u>	Terri Patrick
<u>ENGINEER</u>	High Country Engineering
<u>LOCATION</u>	Parcel lies between Rifle and Silt, north of I-70, at the end of CR 259.
<u>WATER</u>	Individual wells for each lot.
<u>SEWER</u>	Individual sewage disposal systems (ISDS)
<u>ACCESS</u>	Private Access Easement from CR 259 (Jewell Lane)
<u>EXISTING ZONING</u>	ARRD
<u>ADJACENT ZONING</u>	ARRD



I. PROJECT INFORMATION

The Applicant proposes to divide the 36-acre parcel into 4 residential lots. The development proposes that each lot will contain a single family home. All lots are between five (5) and seventeen (17) acres in size.

The property lies at the toe of a hogback and generally consisting of rolling pasture land. The property is presently improved with a single-family dwelling on the north portion of the property. The property has been used for agricultural purposes. Existing vegetation includes limited mature cottonwood trees, sagebrush, and grasses. A stock pond also exists on the site. The site possesses a 180 degree view of the Bookcliffs and Colorado River valley. The property is served by a 14' wide gravel road which extends from the end of County Road 259 along the eastern boundary of the property. The most significant feature on the property is the Farmer's Irrigation Ditch (situated within a 110' easement, approximately) which meanders through a large portion of the property. Large lot agricultural and residential uses surround the property.

II. RELATIONSHIP TO THE COMPREHENSIVE PLAN

According to the Garfield County Comprehensive Plan of 2000, this site lies in Study Area II and is designated as outlying residential which assumes the 2 acres per dwelling unit density. The property is not located in the urban area of influence for Silt or Rifle. As a result, the residential use, density, and subdivision design are all consistent with and conform to the land use designations in the Comprehensive Plan.

III. REFERRALS

Staff referred the application to the following review agencies and departments for general and/or specific commentary. The comments received have been generally incorporated into this memo where appropriate.

- a. City of Rifle: Stated they had no issue with the proposed development (*Exhibit K*)
- b. Town of Silt: No comments received.
- c. Garfield County Road & Bridge Department: (*Exhibit H*)
- d. Rifle Fire Protection District: No comments received.
- e. RE-2 School District: No comments received.
- f. Colorado Division of Wildlife: (*Exhibit Q*)
- g. Colorado Division of Water Resources: (*Exhibit L*)
Colorado Geologic Survey: (*Exhibit I*)
- h. Garfield County Vegetation Manager: (*Exhibit M*)
- i. Mountain Cross Engineering: (*Exhibit J*)
- j. County Public Health Department: (*Exhibit O*)

IV. APPLICABLE ZONING REGULATIONS IN ARRD ZONE DISTRICT

The following is an analysis of the proposed development with the required regulations of the ARRD zone district.

A. Proposed Uses

The Applicant proposes single-family dwelling units on all of the 4 lots which are contemplated as “uses by right” in the ARRD zone district. The following regulations are required of any residential development in the ARRD zone district:

B. Common Dimensional Requirements

- 1) Maximum Lot Coverage: Fifteen percent (15%)
- 2) Minimum Setback:
 - Front yard: (a) arterial streets: seventy-five (75) feet from street centerline or fifty (50) feet from front lot line, whichever is greater; (b) local streets: fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater;
 - Rear yard: Twenty-five (25) feet from rear lot line;
 - Side yard: Ten (10) feet from side lot line, or one-half (1/2) the height of the principal building, whichever is greater.
- 3) Maximum Height of Buildings: Twenty-five (25) feet
- 4) Accessory Dwelling Unit Regulations

V. SUBDIVISION REGULATIONS

The following is an analysis of the proposed development against the County’s Subdivision Regulations of 1984, as amended.

A. Water

The development proposes that individual wells will supply domestic and irrigation water to each residential lot. The application included an analysis of both the physical and legal nature of the water proposed for the subdivision conducted by Zancanella & Associates dated September 1, 2005. At present, two wells have been permitted and drilled which are discussed below. The Applicant intends to drill two more so that each lot has its own well.

Legal Water

Regarding legal domestic supply, according to the analysis, it appears the subdivision will divert an average of 4.75 AF annually and consumptively use 1.55 AF with transit losses included. A well, the “Silt Heights Well”, was drilled under a domestic well permit approved by the Colorado

Division of Water Resources. The Applicant obtained a substitute supply plan from West Divide Water Conservancy District Contract for the 1.55 AF needed to supply legal water to the subdivision. This is an activated contract.

Physical Water

Regarding physical domestic water supply, two wells have been drilled and pump tested at varying rates over 4-hour periods. As a result, the analysis concluded that “based on the pumping tests from both wells, with water storage to handle peak demands, the two wells should be adequate to serve two of the single-family lots. It may be necessary to limit irrigation withdrawals during extended drought periods. Zancanella suggests an alternate outside irrigation source be developed, if possible. It is reasonable to assume that two additional wells will be obtained.”

Water Quality

Regarding domestic water quality, the analysis reported that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that “treatment of the water will be necessary prior to human consumption.” Treatment could be achieved by a Reverse Osmosis (RO) type system. This system will also further impact well and septic system due to excess demand. The Applicant committed to requiring this type of system of all the new single-family dwellings on the lots. A plat note will be added as follows:

The water quality analysis as contained in the Water Supply Plan prepared by Zancanella & Associates on September 1, 2005 states that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that “treatment of the water will be necessary prior to human consumption.” It is required that treatment of this water shall be achieved by a Reverse Osmosis (RO) type system. Due to excessive water consumption required by an RO system, all design flows for Individual Sewage Disposal Systems shall also be engineered to accommodate RO treatment systems.

Irrigation Water

Regarding irrigation water, the report only indicates that water will be diverted (from the wells) to irrigate up to 2,500 square feet of lawn and other equivalent outside uses. This is an issue because the report states “it may be necessary to limit irrigation withdrawals during extended drought periods. We suggest an alternate outside irrigation source be developed, if possible.” As you are aware, all lots, pursuant to Section 9:51, shall be provided an adequate irrigation water supply. The Applicant also owns 5 shares of the Farmer’s Irrigation Ditch which are proposed to be given to each new lot owner. As is typically required, the shares actually will need to be deeded to the HOA which will allocate the water to the new lots. This will need to occur at final plat.

While two wells have been drilled and tested, the Applicant shall drill and test two additional wells as part of the final plat approval process. As is always required by Garfield County, the Applicant / developer shall demonstrate the following for all physical water supplies proposed in a subdivision:

- (1) *That a four (4) hour pump test be performed on the well to be used;*
- (2) *A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;*
- (3) *The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;*
- (4) *A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;*
- (5) *An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;*
- (6) *If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs; and*
- (7) *The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.*

Mountain Cross Engineering conducted a review on behalf of the County and provided the following comments.

Water Supply

1. *The water supply plan provides results and permits for two wells. Based on these results it is probable that two other wells can be permitted, but not certain. Prior to Final Plat the other two wells need to be permitted or a water distribution system meeting the requirements of Section 9:50 of the Subdivision Regulations of Garfield County needs to be proposed.*
2. *There are no specifics concerning the irrigation water. Article VII and VIII of the Protective Covenants requires irrigation water come from the irrigation ditch per allotted share but no volume or flow rate is specified. The August 29, 2000 letter from the Silt Water Conservancy District requires the future irrigation be only on ground that is historically irrigated. No delineation of historically irrigated area is shown. Perhaps the allotment of one share per Lot does not coincide with the historically irrigated area. This should be investigated.*

Plan Sheets

1. *What is the required cover on the 36" pipe? It appears that there could be less than 12". The profile of the road may need to be modified if the culvert flowline and size is constrained.*
2. *How does storm water cross either CR 259 or the shared driveway access at the intersection with CR 259? Is a culvert(s) required?*

Mountain Cross conducted a follow up analysis of the Applicant's response to these issues and provided the following comments (***Exhibit T***):

The response dated March 25, 2006 from High Country Engineering, has been reviewed for comments to the Preliminary Plan submittal for Silt Heights. Generally, all the comments have been addressed. Many are to be incorporated at the time of final plat with revisions to the protective covenants and/or plans. We find that this is acceptable, as long as it is also acceptable to the Commissioners of Garfield County.

The one exception to the above may be the water supply. It appears that many of the comments concerning water for landscaping, well wastes, and fire supply are pending a West Divide Water Conservancy augmentation plan that is pending in Water Court. It is difficult to determine the impacts if the plan is not approved. It may be appropriate to approve the Preliminary Plan with the condition that the augmentation plan be approved prior to Final Plat. However it may be more appropriate to have this determination prior to Preliminary Plan approval.

The Division of Water Resources reviewed the proposal and stated, "It is our opinion that the proposed domestic water supply is physically adequate; however, material injury will occur to decreed water rights unless the Applicant obtains and maintains valid well permits for the proposed wells pursuant to the West Divide's temporary substitute supply plan. Due to lack of information submitted, CDWR cannot comment on the physical adequacy of the irrigation supply. The use of the irrigation water rights must not result in an expansion of use, and approval of a change of water right application by the water court may be necessary if the place of use is changed." (***Exhibit L***)

B. Soils /Topography /Radiation

Soils on the site are identified as Kim and Potts Loam which are deep, well-drained, moderately sloping soils. Permeability is moderate and available water capacity is high. On the Kim Loam surface runoff is slow and the erosion hazard is moderate. On the Potts Loam surface runoff is medium and the erosion hazard is severe. On the Kim Loam, low strength and steep slopes are the main limitation to community development. On the Potts Loam the limitations are low strength, shrink-swell potential, and slope.

HP Geotech performed a subsoil study on the property and concluded that “The natural clay subsoils appear to have expansion potential when wetted. Expansive clay soils require special designs to limit the risk of foundation and floor slab heave. Concentrated load on spread footings, structural floor slabs, drilled or driven piles and sub-excavation of expansive clays are possible methods to mitigate the expansion potential.” Dwellings and roads can be designed to overcome these limitations with engineered foundations and septic systems. Based on these subsoil limitations, Staff strongly suggests a plat note be required that states the following:

“Based on the analysis of the subsoils on the property, Individual Sewage Treatment System and foundation designs are required to be conducted by a registered professional engineer licensed to practice within the State of Colorado. These studies and or/ plans shall be submitted with individual building permit application for each lot. The cost of these studies shall be borne by the individual property owner.”

The gamma radiation survey conducted by HP Geotech resulted in the conclusion that no mitigation of radiation should be required.

Colorado Geologic Survey provided comments on the proposal stating:

Careful management of the subsoils and the groundwater is essential on this property to avoid foundation problems due to swelling and collapsing soils and drilled pier foundations may be necessary in areas with high clay content. As a result, site-specific soil investigations should be conducted at the proposed building sites per the recommendations of HP Geotech. Regarding erosion, there are steep banks adjacent to the irrigation ditch, which runs through the property. Piping, or underground erosion, is possible next to the ditch. Building envelopes should have a setback from these steep slopes. Standard erosion control practices should be utilized during construction to mitigate for erosion.

*The property has stiff clays at relatively shallow depths below the surface, which may lead to perched groundwater. HP Geotech recommends that an underdrain system should be provided to protect below-grade construction from wetting and hydrostatic pressure buildup. There are numerous areas with man-made fill on the property that must be removed and replaced with structural fill prior to construction. (**Exhibit I**)*

C. Roads /Access

The development proposes access to the four lots from CR 259 by way of a 600 linear foot dead-end cul-de-sac with a turnaround that the end. The access road will utilize a portion of an existing thirty (30) foot wide access easement to CR 259 currently providing access to the property. The road servicing the 4 lots appears to meet the required “semi-primitive” standard. This standard calls for a minimum 40 foot right of way with each lane at least 8 feet in width with a gravel surface, a maximum grade of 10% percent, a shoulder width of 2 feet, and a ditch width of 4 feet.

It appears the existing access easement also serves other properties and therefore the Applicant does not have sole ownership of the access easement serving the subject property. It also appears that the easement may partially lie on adjacent parcels. Since the current access easement is held by neighboring properties it may be necessary for the Applicant to obtain permission from the easement holders to change the use of the easement and to make it a publicly dedicated right of way.

The Applicant's attorney provided a letter (*Exhibit S*) that asserts that the easement is a non-exclusive easement and that the Applicant may make "reasonable use of the easement so long as it does not interfere with the right of the properties the easement benefits."

Because this is a subdivision where the access road will serve more than 1 lot, Section 9:34 is required such that "All streets are dedicated to the public but all streets will be constructed to standards consistent with these Regulations and repair and maintenance shall be the responsibility of the incorporated Homeowners Association of the subdivision." This shall also be included as a plat note on the final plat.

The Garfield County Road & Bridge Department reviewed the proposal and has no objections to this subdivision request with the following conditions. The Applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This would include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the MUTCD (Manual on Uniform Traffic Control Devices).

D. Fire Protection

The site is located in the Rifle Fire Protection District (RFPD). The Applicant originally proposed to construct a 30,000 gallon pond to store fire protection water for the subdivision which originally included 5 lots. The Applicant recently met with the District to re-evaluate the proposal based on four lots. As a result, the District amended its position regarding the pond with the following (See Exhibit V):

I have reviewed the changes in the Silt Heights Subdivision reducing the number of homes to 4. In addition, I spoke with Terry Patrick regarding the fire protection water supply concerns. The District will accept the proposed residential sprinkler systems in lieu of the central water storage for the newly constructed homes. The District will not require a retrofit of the existing home shown on the drawings. The other stipulations within the letter dated March 24, 2005 will remain in effect.

As stated by the District, the pond is not required and sprinkler systems will suffice for fire protection as well as the other recommendations of the District below:

- 1) Vegetation shall be removed from near any structures in order to provide a safe zone in the event of a wild land fire;
- 2) When constructing access roadways into the parcels, consideration should be given to the weights of fire apparatus and accessibility during adverse weather conditions;
- 3) The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway is used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors; and
- 4) The district would like to continue to work with the applicant to ensure that the access road is suitable for emergency vehicle access.

E. Drainage / Wetlands

The application includes a drainage study performed by High Country Engineering (HCE) that states that the development will have minimal impact on drainages running through the property. No detention ponds are necessary to contain any increase in historic flows of the property. Where possible, driveways will follow existing topography. Where drainage crossings are required, adequately sized culverts will be installed to convey the historical flows through the property. The drainage report concludes that the subdivision has been designed to mitigate the expected impacts of storm water runoff as outlined in the County's drainage regulations.

Beach Environmental delineated a small wetland area on the west side of the Farmer's Irrigation Ditch. This does not appear to be near any area where development is contemplated. It shall be delineated on the final plat as wetlands.

Mountain Cross Engineering provided the following review comment which needs to be addressed by the Applicant:

Access to Lots 3, 2, and perhaps 1 will need to cross the proposed roadside ditch. How will the ditch flow be maintained with the anticipated driveways? If a culvert is proposed what size is necessary? Is the proposed ditch section sufficient to convey the anticipated flows?

On the Plan Sheets, what is the required cover on the 36" pipe? It appears that there could be less than 12". The profile of the road may need to be modified if the culvert flowline and size is constrained. How does storm water cross either CR 259 or the shared driveway access at the intersection with CR 259? Is a culvert(s) required?

F. Wastewater

The Applicant proposes that individual sewage disposal systems (ISDS) are proposed for each lot. The applicant should be aware that the covenants must contain provisions for ISDS maintenance, including a detailed maintenance plan. Close attention should be paid to the soils in the area regarding the appropriateness of ISDS which will need to be engineered systems. Staff provided the Applicant with a good maintenance guide to reference at the National Environmental Service Center at http://www.nesc.wvu.edu/nsfc/nsfc_septicnews.htm/ . The application materials do not include any information regarding a detailed maintenance plan.

The County Environmental Health Department suggests waste water generated from the RO systems could be diverted from the ISDS to fill the fire protection pond. The Applicant is reviewing this alternative. It would be beneficial in that it would augment the ditch water used as well as reduce stress on ISDS. In any event, the ISDS shall need to be designed such that they handle the larger volumes of water produced by an RO system. This shall need to be a plat note and included in the protective covenants.

G. Wildlife

The application contains a wildlife study prepared by Beattie Natural Resources Consulting, Inc (Beattie Report). This report concludes that the subdivision will affect birds and small mammals associated with shrubland and grassland (western meadowlark, western kingbird, cottontail rabbit, deer mouse, meadow vole) and will affect mule deer. Additionally, due to the widespread availability of shrubland and grassland in Grass Mesa area, the subdivision will not cause significant population declines of these birds and mammals. Foraging areas for mule deer will be reduced; however, mule deer will still have access to nearby undeveloped grasslands / haylands and shrublands on Silt Mesa. The prey base for coyotes, foxes, skunks, raccoons, crows, red-tailed hawks, and owls will be diminished.

There are no federal or Colorado threatened, endangered, or candidate wildlife or Colorado species of special concern which will be significantly impacted by the subdivision. In conclusion, although there will be a reduction in the quantity and distribution of wildlife, existing wildlife species should still maintain a presence on the development. Many affected species will relocate to undeveloped areas in the development. This subdivision will not result in the loss of critical wildlife habitat, nor will it affect wildlife migration corridors. Retaining native vegetation in those areas outside of building envelopes, laws, and entrance roads will benefit wildlife.

Staff held a conversation with the Division of Wildlife District Manager, Brian Gray about the proposal. The DOW agrees with the comments provided in the Beattie Report as well as indicating the common threats by subdivisions which include dogs at large, fencing, and weed management. (*Exhibit Q*)

H. Ditches and Easements

As noted, the Farmer's Irrigation Ditch runs through the property. This ditch shall be legally described on the final plat. As commonly required, all easements of record shall be legally

described on the final plat. The Garfield County Vegetation Manager has noted that irrigation ditches are common sources of weed infestations. The weed management plan should address weed management along ditches.

I. Assessments / Fees

The property is located in Traffic Study Area 6 of the Capital Improvements Plan which requires development to pay a Traffic Impact Fee. The Applicant can expect to pay approximately \$210 per average daily trip for the 4 lots which generally equates to \$8,038.00 of which \$4,019.00 is due at final plat and the remainder half is paid as building permits are pulled for each lot by the individual lot owners. These fees will be more accurately determined at the time of final plat.

The development is also located in the RE-2 School District which requires a cash-in-lieu payment of a School / Land Dedication Fee of \$200 per unit to be paid in full at the time of final plat.

VI. SUGGESTED FINDINGS

The Planning Commission recommends approval to the Board of County Commissioners for the Preliminary Plan for the Silt Heights Subdivision with the following findings:

1. That proper publication, public notice, and posting was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete; all pertinent facts, matters and issues were submitted; and that all interested parties were heard at the hearings.
3. That the application is in compliance with the standards set forth in Section 4:00 of the Garfield County Zoning Resolution of 1978, as amended.
4. That the application is in compliance with the standards set forth in Section 4.00 of the Garfield County Subdivision Regulations of 1984, as amended.
5. That the application conforms to and is compatible with the Garfield County Comprehensive Plan of 2000.
6. That the proposed preliminary plan is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

VII. PLANNING COMMISSION RECOMMENDATION

On December 14, 2005, the Planning Commission unanimously recommended approval to the Board of County Commissioners for the Preliminary Plan of the Silt Heights Subdivision with the following conditions:

Discount #

5.035

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners and Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. The Applicant shall include the following plat notes on the final plat:
 - a) *One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries.*
 - b) *No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.*
 - c) *All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.*
 - d) *No further divisions of land within the Subdivision will be allowed.*
 - e) *Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.*
 - f) *All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.*
 - g) *Based on the analysis of the sub-soils on the property, Individual Sewage Treatment System and foundation designs are required to be conducted by a registered professional*

engineer licensed to practice within the State of Colorado. These studies and plans shall be submitted with individual building permit application for each lot. The cost of these studies shall be borne by the individual property owner.

- h) All streets are dedicated to the public but all streets will be constructed to standards consistent with Section 9:35 of the Subdivision regulation of 1984, as amended and repair and maintenance shall be the responsibility of the Homeowners Association of the subdivision.*
 - i) The mineral rights associated with this property (also known as Parcels 1, 2, 3, and 4 of the Silt Heights Subdivision) have been partially severed and are not fully intact or transferred with the surface estate therefore allowing the potential for natural resource extraction on the property by the mineral estate owner(s) or lessee(s).*
 - j) The water quality analysis as contained in the Water Supply Plan prepared by Zancanella & Associates on September 1, 2005 states that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that "treatment of the water will be necessary prior to human consumption." It is required that treatment of this water shall be achieved by a Reverse Osmosis (RO) type system. Due to excessive water consumption required by an RO system, all design flows for Individual Sewage Disposal Systems shall also be engineered to accommodate RO treatment systems.*
3. The Applicant shall prepare an "Individual Sewage Disposal System Operation and Maintenance Plan" to be submitted to the Planning Department Staff for review prior to the public hearing before the Board of County Commissioners. This plan shall be incorporated into the covenants as part of the final plat application review.
 4. The protective covenants shall assign responsibility for weed management along roadsides and in common areas to the Homeowners Association. The covenants shall describe how weed management shall occur on individual lots and be managed by each individual lot owner.
 5. The Applicant shall provide a map or information (prior to final plat) that quantifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances. This information will help determine the amount of security that will be held for revegetation.
 6. The Applicant shall provide the revegetation security in the form of a separate letter of credit (amount determined by the County Vegetation Director) to Garfield County until vegetation has been successfully reestablished according to the County's adopted Reclamation Standards. The release of the security shall not occur until a formal opinion has been

rendered by the County Vegetation Director as to the level of successful revegetation. This requirement shall be incorporated within the Subdivision Improvements Agreement (SIA).

7. The Applicant shall provide a "Soil Management Plan" to the County Vegetation Director for approval as part of the final plat submittal. This plan shall include 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.
8. The Applicant shall provide approved well permits for the wells that are to be drilled to provide water to the subdivision and an approved West Divide Water Conservancy District contract as part of the final plat documents. In addition, and prior to the signing of the final plat, all physical water supplies shall demonstrate the following:
 - a) That a four (4) hour pump test be performed on the well to be used;
 - b) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
 - d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
 - e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f) If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs;
 - g) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
9. The Subdivision Improvements Agreement (SIA) as well as the protective covenants shall provide that the irrigation water rights / ditch shares currently assigned to the property are conveyed to and owned by the Homeowners' Association (HOA). All related easements shall be shown on the final plat and dedicated to the HOA.
10. The Applicant shall pay the Traffic Impact Fee to Garfield County to be calculated and paid prior to recordation of the final plat.
11. The Applicant shall pay the cash-in-lieu for the School Site Acquisition Fee for the RE-2 School District of \$200 per dwelling unit prior to recordation of the final plat.
12. The Applicant shall incorporate the following provisions into the protective covenants regarding fire protection for the subdivision:

- a) All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards. The design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District;
 - b) Vegetation should be removed from near any structures in order to provide a safe zone in the event of a wild land fire;
 - c) When constructing access roadways into the parcels, consideration should be given to the weights of fire apparatus and accessibility during adverse weather conditions;
 - d) The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway if used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors,
13. Should crossings of the Farmers Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.
14. The applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This shall include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the Manual on Uniform Traffic Control Devices.

**GRANT OF EASEMENTS AND
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR SILT HEIGHTS SUBDIVISION
AND ESTABLISHMENT OF
SILT HEIGHTS SUBDIVISION HOMEOWNER'S ASSOCIATION
AN UNINCORPORATED NONPROFIT ASSOCIATION**

This Grant of Easements and Declaration of Covenants, Conditions and Restrictions for Silt Heights Subdivision and Establishment of Silt Heights Subdivision Homeowner's Association, an Unincorporated Nonprofit Association (hereafter the "Declaration") is made this _____ day of _____, 20__, by Terri Patrick (hereafter referred to as the "Declarant").

RECITALS

WHEREAS, Declarant is the owner of that certain real property known as Lots 1-4 inclusive, Silt Heights Subdivision, as described on a plat thereof recorded as reception number _____ in the office of the Garfield County Clerk and Recorder, together with all water and water rights, ditches and ditch rights, wells and well rights, well permits, easements and rights-of-way appurtenant to or used upon or in connection with said above described Lots, and all other appurtenances thereto, and certain other common facilities; and

WHEREAS, Declarant hereby creates an unincorporated nonprofit association pursuant to the Colorado Uniform Unincorporated Non Profit Association Act, Colorado Revised Statutes 7-30-101 et seq., known as the Silt Heights Subdivision Homeowner's Association (hereafter the "Association") for purposes of owning, maintaining and administering the common facilities as hereafter described and defined, the Members of which Association shall be the owners of the aforesaid individual Lots and which Association shall also administer and enforce the covenants, conditions and restrictions herein set forth and collect and disburse the assessments and charges hereinafter provided; and

WHEREAS, Declarant desires to dedicate, grant and create certain easements to the Association for purposes of serving the Lots with appurtenant access and utilities necessary to the use of the Lots for their intended purpose; and

WHEREAS, Declarant desires to provide a flexible and reasonable procedure for the overall operation of the Lots and Common Facilities as hereafter defined, and to establish a method for the administration, maintenance, preservation, control, use, and enjoyment of the Lots and Common Facilities as hereafter defined, as well as provide for the enforcement of the restrictions, covenants and conditions hereinafter set forth.

GRANT OF EASEMENTS
AND
DECLARATION

NOW THEREFORE, Declarant hereby declares that all of the Lots described above, individual or collective, shall be held, transferred, sold, conveyed and occupied benefitted by and subject to the easements and properties which are hereby dedicated, granted and transferred to the Association and subject to the following covenants, conditions and restrictions which are established for the purpose of protecting the value and desirability of such real property and which shall run with title to the Lots and be binding on all owners or other parties having any right, title or interest therein.

ARTICLE I
DEFINITIONS

1. Annual Budget. "Annual Budget" shall mean the calendar year estimates of the Association expenses and expenditures upon which the Annual Assessment shall be based, which budget shall be prepared by the Association Manager and adopted by Owner Action at the Annual Meeting.

2. Annual Meeting. "Annual Meeting" shall mean the meeting of all Members of the Association to occur once a year for the primary purposes of approving the Annual Budget and selecting the Association Manager, but at which meeting any other business matters of the Association may be raised and addressed.

3. Annual and Special Assessments. "Assessments" shall mean all assessments, Annual and Special, for Common Expenses of the Association, and all installments thereof, with interest thereon and costs of collections, including reasonable attorney's fees, all as more particularly defined and provided in Article VI below.

4. Association. "Association" means the Silt Heights Subdivision Homeowner's Association, a Colorado unincorporated nonprofit association whose Members shall be the respective Owners of the Lots.

5. Common Expenses. "Common Expenses" shall mean the expenses incurred by the Association under the provisions of this Declaration and which are payable by the Lot Owners upon Annual and Special Assessment.

6. Association Manager. "Association Manager" shall mean a person who shall be a Lot Owner and Member of the Association, and who shall be responsible for preparing the Annual Budget, collecting Annual and Special Assessments and other revenues, disbursing funds for Common Expenses, calling special meetings and otherwise managing the administrative affairs of the Association. The Association Manager shall be the Declarant at all times during which Declarant shall continue to own any of the Lots.

7. Common Facilities. "Common Facilities" shall mean all real property or interests in real property, improvements thereto, and personal property now or hereafter owned by the Association through dedication, grant, conveyance, or assignment by the Declarant to the Association or acquired by the Association through Owners Action for the common use and enjoyment of Lot Owners, and more particularly described in Article IV below. There are expressly excluded from the Common Facilities, any domestic water service lines, irrigation ditch laterals or pipelines and utility services designed to serve, benefit and be appurtenant to a single Lot. Any such excluded facilities, property and structures shall be controlled, operated and maintained by the Owners of the Lot served thereby as appurtenant thereto at such Owner's expense.

8. Declaration. "Declaration" shall mean the covenants, conditions, restrictions, grants and dedications of easements and all other terms or provisions set forth in this document as the same is recorded in the records of Garfield County, Colorado, and as the same may be amended from time to time in accordance with the provisions hereof, with such amendments being likewise recorded.

9. Lot/Lots. "Lot" or "Lots" shall mean each of Lots 1-4 according to the Plat.

10. Lot Owner or Owner. "Lot Owner" or "Owner" means the person, persons, entity or entities who or which together shall comprise the record owner of fee simple title to a Lot.

11. Member. "Member" shall mean a person or entity which, by virtue of their status as a Lot Owner, is deemed to enjoy the membership privileges and responsibilities in the Association.

12. Owners Action. "Owners Action" shall mean a written statement of action to be taken by the Association which statement shall be executed by no less than the Owners of three (3) Lots or their respective authorized representatives.

13. Rules and Regulations. "Rules and Regulations" shall mean the rules, regulations, guidelines, policies, authorizations and standards as may be adopted and approved by Owners Action as provided in this Declaration governing the use of the Lots and the use, operation, maintenance, and administration of the Common Facilities.

ARTICLE II

PROPERTY RIGHTS AND USE OF PROPERTY

1. Lots. All Lots shall be used only for the construction, use and occupancy of and as single-family dwellings and customary accessory uses, including, without limitation, an accessory dwelling unit, if permitted by applicable zoning.

2. Common Facilities. Subject to the limitations set forth in this Declaration and any Rules and Regulations adopted by the Association pursuant to the provisions of this Declaration, each and every Lot Owner, shall have the right to the use, enjoyment and benefit of the Common Facilities.

3. Appurtenance of Interests. Any legal or beneficial interests in the Common Facilities which inure to a Lot Owner by virtue of such ownership are appurtenant to the Lot owned, with or without specific reference to such appurtenance in any deed which may convey the Lot. For purposes of general ad valorem property assessment and taxation, said interest in such Common Facilities shall be considered a part of the Lot and taxes upon the Common Facilities shall be assessed against each Lot and paid in equal proportions by the Owner of each Lot.

4. Governance of Lots and Common Facilities. Subject to rights, interests and authority expressly reserved to the Declarant herein, all of the authority regarding the operation, maintenance, repair, administration and control of the Common Facilities shall be vested in the Association and the Lot Owners through their right to participate by Owner Action in governance of all Common Facilities as said rights are more fully described in this Declaration.

5. Waiver of Right to Partition. Each Lot Owner irrevocably waives his right to partition of the Common Facilities.

6. Enforcement. The Association, by Owners Action, or the Declarant or any Lot Owner, shall have the right to enforce the covenants, conditions and restrictions contained in this Declaration by any legal or equitable means necessary and available including actions for damages and injunctive relief. In the event of any such action, the Association, Declarant or Lot Owner or Owners, if they prevail in said action, shall be entitled to receive reasonable attorney's fees and costs from the Lot Owner or Owners found to be in violation of this Declaration.

ARTICLE III

MEMBERSHIP, VOTING RIGHTS AND OWNERS ACTION

1. The owner of record of fee simple title to each Lot shall be a Member of the Association. For purposes of this Declaration, if a Lot is owned by more than one person, all of the persons owning an interest in fee simple title to the Lot shall, in the aggregate, be the Lot Owner thereof and such multiple persons comprising the Lot Owner shall, among themselves, designate one of their number to participate in, and represent the others, in any Association affairs or Owners Action as herein described. For purposes of participation in Owner Actions and any other voting matters in the Association, a Member owning more than one Lot shall be entitled to one vote for each Lot owned.

2. Except as otherwise herein provided with respect to rights and interests reserved to the Declarant, the ownership, operation, management, maintenance and repairs of the Common Facilities and all Association actions taken with respect thereto, shall be undertaken and performed pursuant to Owners Action. The Association shall have the exclusive power and authority to manage any affairs regarding the Common Facilities, and such power and authority shall include, without limitation whatsoever, the following authority:

- a. To own, purchase, lease, install, operate, maintain, repair and replace all or

any part of the Common Facilities;

b. To adopt such Rules and Regulations as are necessary and appropriate for governing the use and benefits of the Common Facilities;

c. To establish and oversee the Annual Budget, for purposes of paying anticipated and contingent expenses related to the Common Facilities;

d. To make, determine and collect Annual and Special Assessments for the purpose of paying all Common Expenses. Said Annual Assessments to be determined in accordance with the establishment of the Annual Budgets and as the same are necessary as Special Assessments for extraordinary or unforeseen expenses related to said Common Facilities and which were not included in or provided for under the Annual Budget or which under the provisions hereof are expenses assessed against less than all Lots. All Annual and Special Assessments shall be made on a ratable basis among the Lot Owners, with a fractional share of the total assessment to be paid by the Owner of each Lot, except as otherwise provided herein;

e. Subject to the provisions of Article I, paragraph 6, to elect at the Annual Meeting by Owners Action, an Association Manager to act, during the upcoming year, on behalf of the Association and in such capacity to exercise all powers of the Association set forth in said Article I, paragraph 6 as well as any others delegated to him by such Owners Action;

f. To enforce, by Owners Action, the provisions of this Declaration and any Rules and Regulations adopted by the Association as provided herein, either through Owners Action or by delegation of such enforcement authority to the Association Manager.

g. To establish a date certain for the Annual Meeting for the ensuing year and to establish Special Meetings as appropriate and necessary. Written notice of the date, time and place of all Annual and Special Meetings, shall be given to each Member by mailing such notice to each Member at least 20 days prior to the date of such Annual or Special Meeting at the address of each respective Member as the same shall be maintained in the records of the Association.

h. To receive and use for the joint and common benefit of all Lot Owners any revenues received by the Association from whatever sources and determination of the specific uses of such funds.

i. To take any other action necessary or appropriate to carry out the purposes herein expressed and to properly maintain the Common Facilities for the use and benefit of the Lot Owners.

ARTICLE IV
COMMON FACILITIES

The Association shall maintain and keep in good repair the Common Facilities (and any personal property and improvements associated therewith). Such Maintenance of any Common Facilities shall be funded through the Annual and Special Assessments as provided herein, and revenues received from any other sources, and shall include, but not be limited to, maintenance, repair, and replacement of Common Facilities all to the end that the safety, appearance and quality of the Common Facilities shall permanently endure.

ARTICLE V
INSURANCE AND CASUALTY LOSSES

1. Insurance. If deemed necessary, the Association Manager shall have the authority to obtain insurance for all insurable components of the Common Facilities against loss or damage by fire or other hazards, including extended coverage, vandalism, and malicious mischief. This insurance shall be in an amount sufficient to cover the full replacement cost of any repair or reconstruction in the event of damage or destruction from any such hazard. The Association Manager may also obtain an adequate public liability policy insuring the Association, the Association Manager and its individual Members for all damage or injury caused by the negligence of the Association or any of its Members, the Association Manager or other agents of the Association.

2. Repair and Reconstruction. If the damage or destruction for which the insurance proceeds are paid is to be repaired or reconstructed and such proceeds are not sufficient to defray the cost thereof, the Association Manager may, without the necessity of any Owners Action, levy a Special Assessment to cover the amount of deficiency. If the funds available from insurance exceed the cost of repair, such excess shall be retained to the benefit of the Association.

ARTICLE VI
ASSESSMENTS

1. Annual and Special Assessments. All Annual and Special Assessments, together with interest at the legal or statutory rate, costs, and reasonable attorneys' fees, if any, shall be a charge on the land and shall be a continuing lien upon the Lot against which each Annual or Special Assessment and the aforesaid related costs and expenses, is made.

Each such Annual or Special Assessment, together with interest, costs and reasonable attorneys' fees, if any, shall also be the personal obligation of the person who was the Owner of a particular Lot at the time the Assessment was made.

All such Annual and Special Assessments shall be due and payable within thirty (30) days following the date upon which the Association Manager shall have mailed notice of such Annual or Special Assessment to the Lot Owner obligated to pay the assessment at the address of

said Lot Owner as maintained in the Association records.

2. Liens and Foreclosure of Liens. All Annual and Special Assessments shall constitute a lien on each Lot, respectively, prior and superior to all other liens, except (i) all ad valorem taxes, bonds, assessments, and other levies which, by law, would be superior thereto, and (ii) the lien or charge of any first mortgage of record (meaning any recorded mortgage or deed of trust with first priority over other mortgages or deeds of trust) made in good faith and for value. Suit to recover a money judgment for unpaid Assessments, interest and attorneys' fees shall be maintainable without foreclosing or waiving the lien securing the same. Any lien created pursuant to the provisions of this Article VI may be foreclosed under the laws of the State of Colorado in the same manner as a mortgage.

3. Computation of Annual Budget and Annual Assessment. It shall be the duty of the Association Manager at least thirty (30) days prior to the Annual Meeting at which the budget shall be presented to the Association's membership, to prepare a budget covering the estimated costs, and appropriate reserve fund amounts for operating the Association during the coming year. The Association Manager shall cause a copy of the budget, and the estimated amount of the Annual Assessments deriving therefrom and to be levied ratably as herein provided against each Lot for the following year to be delivered to each Lot Owner with notice of the meeting. Such budgeting process shall take into account any revenues received or anticipated by the Association from sources other than Assessments.

ARTICLE VII

ADDITIONAL RESTRICTIONS ON USE AND BUILDING

In addition to any other restrictions contained herein, all Lots shall be subject to the following covenants and restrictions on use and building restrictions, to wit:

1. Nuisances. No Lot Owner shall permit or suffer anything to be done or kept about or within his Lot, which will obstruct or interfere with the rights of other Lot Owners or their property, including generation of unreasonable noises or otherwise, nor will any Lot Owner commit or permit any nuisance or commit to suffer any illegal act to be committed on his Lot. Each Lot Owner shall comply with the Association Rules and Regulations, the requirements of all health authorities and other governmental authorities having jurisdiction over the Lots and Common Facilities.

2. Irrigation System. All Lots must be served by a functional irrigation system that is approved by the Association Manager. The irrigation system must be maintained in operating order so as to be operable whenever needed to the end that all grass and other landscaping shall be appropriately maintained. All irrigation systems shall be operated using the irrigation water as provided in Article VIII hereof and shall be subject to the conditions therein set forth.

3. Underground Utility Services. All service lines for utilities extending from the utility

main lines to the individual Lots, shall be installed and maintained underground.

4. Solid-fuel Fireplaces. No open hearth solid-fuel fireplaces will be allowed in any new dwelling anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

5. Exterior Lighting. All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

6. Restrictions/Conditions Imposed By County. The use of all Lots shall be in strict accordance with the conditions of approval and Plat restrictions contained in the County Resolution approving the Silt Heights Subdivision. All Lot Owners shall use and occupy their respective Lots in conformity to all governmental regulations applicable thereto.

7. Sewer Disposal Systems. All sewage shall be disposed of by means of an engineered individual sewage disposal system designed by a registered professional engineer licensed to practice within the State of Colorado. The designs shall be submitted with the individual building permit application for each Lot. The cost of the design shall be borne by the individual Lot Owner. All design flows for individual sewage disposal systems shall be engineered to accommodate Reverse Osmosis treatment systems. Each Lot Owner shall be responsible for the construction, operation and management of their individual sewage disposal system. The owner of each Lot shall perform on the individual sewage disposal system serving the Lot such routine maintenance and repair as is sufficient to allow the system to perform in good working order, including, but not limited to, pumping the tank as needed. The standards of performance for the septic system cleaner are, at a minimum:

- a. The Systems Cleaner shall be licensed.
- b. The Systems Cleaner, when cleaning a septic tank, shall remove the liquid, sludge, and scum, leaving no more than three (3) inches depth of sewage in a septic tank.
- c. The Systems Cleaner shall maintain his equipment so as to ensure that no spillage of sewage will occur during transportation, and that its employees are not subject to undue health hazards.
- d. The Systems Cleaner shall dispose of the collected sewage only at a designated site recognized by the Board of Health.

Your septic system is designed to handle human waste, toilet paper and water from plumbing fixtures such as toilets, baths, and sinks. Household cleaners, detergents and bleach will not damage your system if used in moderation. However, biodegradable and environmentally

friendly soaps, detergents and other products are recommended. If your septic field is inundated with harsh chemicals or overloaded with detergents and soaps, your septic system function may be impaired or field failure may occur. Never pour oil, cooking grease, paint, or insecticides into your plumbing system. These items can inhibit the bacteria which are so critical to the proper functioning of your system and/or plug the pores of your system. Non-degradable paper products, such as diapers, sanitary napkins or tampons, and paper towels are harmful to your system. Also refrain from introducing any other non-biodegradable substances such as condoms, plastic baggies, plastic film-wrap, or cigarette butts. These items can cause serious clogging problems. A garbage disposal can be used if your septic system was designed around it; however, you should have your tank pumped more frequently if large particles are present within the effluent. Your system is also designed to handle a certain volume of water. If you consistently overload your septic system, you will cause premature failure. A frequent source of overload is leaking plumbing fixtures and water treatment systems. This can amount to hundreds of extra gallons of water going into your septic system each month. Leaks should be repaired immediately. Other home recommendations for reducing wastewater flow are; installing water-saving devices in your shower heads and faucets and lowering the amount of water hitting the system from the laundry by spreading your weekly washing over several days rather than doing it all within a short time period.

The bacteria that thrive in a septic tank are called "anaerobic bacteria" because they do not require oxygen. These bacteria are essential to the proper functioning of a septic system as they degrade and decompose the solids. When too much solid material accumulates in the tank over a period of years, it begins to wash out of the tank and into the drain-field with the normal liquid effluent. The solids clog the drain-field absorption rates into the natural soils are reduced. As more solids flow from the tank, the drain-field will eventually not be able to absorb the liquid effluent, and the drain-field will fail. This is the most common cause of drain-field failure. Your drain field should have monitoring wells located at the far end of the field. These wells can help detect or prevent a field failure prior to its occurrence. A professional field maintenance company should be scheduled for regular maintenance and well monitoring. It is suggested that you have your septic tank pumped every 2 years on a regular maintenance schedule.

The drain-field is ideally located in a sunny open area for maximum evaporation. Trees and shrubs should not be planted near the drain-field as root intrusion may impair the drain-field. Any plants that do not have deep roots can be planted over a drain-field. Grasses and ground cover provide the highest level of evapo-transpiration (the cycle of plants taking moisture from the soil by their root systems and giving it off to the atmosphere using the sun's energy) without the complication of root systems clogging drainpipes and gravel beds. Mulched areas of flower beds do hold moisture and decrease drain-field efficiency. Walkways, patios, parking areas, decks or other permanent structures should not be constructed over either the septic tank or the drain-field. Vehicle traffic should be kept off of the drain-field and heavy trucks/equipment should be kept a minimum of 10 horizontal feet away from the drain-field area. Heavy vehicles can cause the drain-field to collapse. Rainwater or other drainage water should be diverted from the drain-field area. The drain-field is designed to meet the capacity of waste water coming from the house. Additional water from poor drainage may cause premature field failure.

The owner and the party in possession of real property upon which an individual sewage disposal system is used, shall be jointly and severally responsible for operation and maintenance of the system.

For treatment plants utilizing mechanical apparatus or under a service policy, a clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at a conspicuous location.

When directed by the local health department, for the purpose of obtaining compliance with rules and regulations, the owner or user of a system shall provide for maintenance and cleaning of an individual sewage disposal system and shall notify the local health department upon completion of any maintenance work and report to said department and submit such evidence of compliance with any maintenance and cleaning schedule in the form and as the department requires. The local board of health may adopt rules and regulations for the scheduling of maintenance and cleaning of systems and practices adequate to insure proper functioning of acceptable systems, and may require proof of proper maintenance and cleaning, pursuant to any such schedules and practices, to be submitted periodically to the local department of health by the owner of the system.

Reasonable periodic collection and testing by the local health department of effluent samples from individual sewage disposal systems for which monitoring of effluent is necessary in order to insure compliance with the provisions of rules and regulations may be performed not more than two times a year, except when required by the health officer in conjunction with an enforcement action. Any owner or occupant of property on which an individual sewage disposal system is located may request the local health department to collect and test an effluent sample from the system. The local health department may perform such collection and testing services. If the local health department collects and tests effluent samples, a fee not to exceed that which is allowed by 25-10-101 et. seq. (as amended) C.R.S. 1973, may be charged for each sample collected and tested. Payment of such charge may be stated in the permit as a condition for its continued use.

Disposal of waste materials removed from a system in the process of maintenance or leaning shall be accomplished at a site approved by local county officials in a manner which does not create a hazard to the public health, a nuisance or an undue risk of pollution and which complies with state and local rules and regulations. (See Sludge Regulations and Solid Waste Regulations.)

No Discharge is Permitted Which Does not Comply With Rules and Regulations. No sewage or effluent shall be permitted to be discharged into or upon the surface of the ground or into state waters unless the sewage system and effluent meets the minimum requirements of applicable rules and regulations.

The contents of a septic tank, vault, or seepage pit, the use of which has been terminated, shall be properly disposed of whereupon the emptied tank, vault, or pit shall be filled with soil or rock, or the health officer may require the tank or vault to be removed and disposed of

properly.

8. Noxious Weed Control on Roadways and Common Areas. The Homeowner's Association shall have responsibility for weed management along roadsides and in common areas. The Association shall implement and follow a program of noxious weed control which shall comply with all applicable requirements of the Garfield County Office of Vegetation Management. In general, the weed management plan should consist of the following components.

- a. Prevention and Control. The quick revegetation of disturbed areas with weed free grass seed and the maintenance of native or introduced vegetation in a healthy, vigorous condition producing optimum vegetative densities will leave noxious seeds little opportunity to establish. The use of hay that is certified is also recommended.
- b. Inventory. Each Lot should be inspected to identify any infestations of noxious weeds. An accurate record should be kept of the application and success of weed eradication efforts.
- c. Eradication. Elimination of noxious weeds can be achieved through: Mechanical Controls (physically remove the entire weed plant or eliminate the plant's ability to produce seed); Biological Controls (rely on organisms (insect or plant pathogens) to interfere with weed growth); Chemical Controls (use herbicides to eliminate weeds. Special care must be used with herbicides to avoid damage to desirable plant species and to avoid contamination of ground water).

An effective weed management program may involve all three methods of eradication as well as a long term commitment to prevention and control. Assistance in the development and implementation of a weed management program is available through the Colorado State University Cooperative Extension Service and from the Garfield County Office of Vegetation Management.

9. Noxious Weed Control on Individual Lots. Control of noxious weeds on individual Lots, in accordance with the Colorado State Noxious Weed Act and the Garfield County Weed Management Plan, shall be the responsibility of the respective Lot Owners. Each Owner shall implement a weed management program within the area of his or her Lot. In the event a Lot Owner fails to effectively control noxious weeds on his or her Lot, the Association shall have the right to enter upon any Lot and conduct a weed control program with the area of such Lot.

10. Dogs. One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries. At no time should dogs be allowed to run freely outside of dog owner's lot. When outside the residence on an Owner's Lot, dogs should be controlled by:

1. Confinement in an area bound by an aboveground fence;
2. Confinement in a kennel;

3. Confinement in an area bounded by an invisible electric fence attached to a dwelling unit;
4. A leash; or
5. Attachment by a tether to a fixed, immovable object. The tether length should not allow the dog to trespass on another owner's lot.

Dogs shall not chase or molest wildlife or any domestic animals or persons, or destroy or disturb property of another. Dogs shall not be allowed to bark continuously, which shall be defined as barking for a 15 minute period, including successive barks or a series of barks which repeat or resume following a brief or temporary cessation. All dogs should be licensed as required by law. No dog shall threaten public safety. No dog or other animal shall be kept which, in the sole discretion and judgment of the Association, is an annoyance to Lot Owners within the subdivision. Lot Owners not in compliance with dog regulations should be responsible for any and all costs associated with enforcement of the above provisions.

11. Fencing. Fencing on individual lots shall be restricted to reduce wildlife mortality and to reduce the potential for separation of doe deer and their offspring. The maximum fence height shall be 42 inches. If a rail fence or 3-strand wire fence is constructed, there should be a 12 inch separation between the top 2 rails/wire. Chain link fencing up to 6 feet high shall be allowed for the sole purpose of kenneling a dog.

12. Additional Wildlife-Related Restrictions. Lot Owners shall maintain their Lots in a manner that will not attract denning skunks and raccoons. Lot Owners shall store garbage and trash in secure receptacles to reduce problems with skunks and racoons. No refuse, garbage, trash, grass, shrub, or tree clippings, plant waste, scrap, rubbish, or debris of any kind should be kept, stored, maintained or allowed to accumulate or remain on any Lot except temporarily within an enclosed structure within a building envelope. No garbage container, trash cans or receptacles shall be maintained in an unsanitary condition. Garbage structures and containers should comply with recommendations which may be made from time to time by the CDOW. The Association and Lot Owners are responsible for the removal and disposal of all animal carcasses from within the subdivision. Hay stored on a Lot shall be secured by a tarp, stored in a structure, or fenced.

13. Fire Protection.

- a. All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards. The design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District;
- b. Vegetation should be removed from near any structures in order to provide a safe zone in the event of a wild land fire;
- c. When constructing access roadways into the parcels, consideration should be given

to the weights of fire apparatus and accessibility during adverse weather conditions;

- d. The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway is used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors.

14. Agricultural Living. Colorado is a “Right-to-Farm” State pursuant to C.R.S. § 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County’s agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as part of a legal and non-negligent agricultural operations.

All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is “A Guide to Rural Living & Small Scale Agriculture” put out by the Colorado State University Extension Office in Garfield County.

15. Enforcement. The Association Manager or his authorized agent may enter any Lot in which a violation of this Declaration and these restrictions exists and may correct such violation at the expense of the Owner of such Lot. Any expenses in connection with such correction shall be a Special Assessment against and be secured by a lien upon such Lot enforceable in accordance with the provisions of Article VI hereof. All remedies described in Article VI hereof and all other rights and remedies available at law or equity shall be available to the Association, or the Declarant or any Lot Owner, in the event of any breach of any provision of this Article VII by any other Owner.

ARTICLE VIII

IRRIGATION WATER AND SYSTEM

1. Irrigation Water and Systems. Declarant shall transfer / assign five (5) shares of the Farmers Irrigation Company to the Association for the irrigation water for the respective Lots. Charges for water furnished by The Farmers Irrigation Company will be paid by the Association. The Association shall include in the Annual Assessment, all costs associated with the same. All irrigation shall be accomplished by and through the irrigation systems required to be installed and maintained on each of the above described Lots under the provisions of paragraph 2, Article VII hereof. Irrigation water from the shares of the Farmers Irrigation Company shall be allocated between the Lots on a pro-rata basis based on total acreage. In the event the water physically available is less than the legally available amount, then each Lot owner shall proportionately reduce

consumption of same.

ARTICLE IX DOMESTIC WATER

1. Individual Wells. Each Lot (1-4) is to be served by its own well constructed under permit from the Colorado Division of Water Resources. The Owners of the Lots shall each be entitled to use water from their respective well only for purposes authorized by the well permit and in accordance with the terms and conditions of the well permit. Each Lot Owner shall be solely responsible for the costs of maintenance, operation, repair, service and replacement of their well, pump and associated facilities. The Owners of the Lots shall each own, appurtenant to their respective Lot, the full interest in their respective well, well permit, pump and associated facilities for the withdrawal of water located at each respective well.

2. Reverse Osmosis System. All domestic water supplies shall include treatment by a reverse osmosis (RO) type system. The Owners of Lots 1, 2 and 3 shall be responsible for their respective costs of installation, maintenance, operation, repair, service and connection to an appropriate reverse osmosis system.

ARTICLE X DEDICATION OF RIGHT OF WAY AND EASEMENTS AND ROAD MAINTENANCE OBLIGATIONS

1. Dedication of Public Right-Of-Way. Declarant has dedicated as a public right-of-way for access and utility purposes that portion of the access road, together with the cul-de-sac turnaround, indicated, designated and described as "Garfield County Public Right of Way" on the Final Plat of the Silt Heights Subdivision recorded in the office of the Garfield County Clerk and Recorder.

2. Dedication of Easements. Declarant hereby dedicates the following easements for the purpose and upon the conditions and restrictions specified, to wit:

a. perpetual, non-exclusive easements for the benefit of each Lot and all Lots within the Subdivision for the location of utilities. The location of such easements shall be in conformity with the final plat for the Subdivision; and

b. all easements indicated, designated and described on the Final Plat of the of the Silt Heights Subdivision recorded in the office of the Garfield County Clerk and Recorder.

Unless noted, the easements hereby dedicated are for the private use of the Owners of the respective Lots, their successors, assigns, agents, employees, tenants, guests, licensees and invitees subject to the terms, conditions and provisions herein set forth. Utility easements herein dedicated are only for the use and benefit of the Silt Heights Subdivision. The easements shall be appurtenant

to the respective Lots within the Silt Heights Subdivision.

3. No interference with Easements and Rights of Way of Record. The Silt Heights Subdivision is subject to certain easements and rights-of-way recorded in the office of the Garfield County Clerk and Recorder. Neither the Association nor any Lot Owner shall obstruct or interfere with any such easements or right-of-way of record. The Public Right of Way and Private Access Driveway as indicated, designated and described on the Final Plat of the Silt Heights Subdivision recorded in the office of the Garfield County Clerk and Recorder shall not be gated or otherwise obstructed. Use of the roadway shall be restricted to access and utility purposes and may not be used for the storage of vehicles or equipment or any other use.

4. Road Maintenance Obligations. The costs of repair, maintenance, clearing, trash removal, snow plowing, noxious weed control and other expenses of upkeep and preservation of the road shall be the sole responsibility of the Association. Routine repairs, clearing, trash removal and snow plowing will be conducted from time to time, as deemed necessary by the Lot owners.

ARTICLE XI CONDEMNATION

Whenever all or any part of the Common Facilities shall be taken (or conveyed in lieu of and under threat of condemnation by the Association through Owners Action) by any authority having the power of condemnation or eminent domain, each Lot Owner shall be entitled to notice thereof and to participate in the proceedings incident thereto, unless otherwise prohibited by law. The award made for such taking shall be payable to the Association and used for its purposes herein enumerated.

ARTICLE XII GENERAL PROVISIONS

1. Benefits/Burdens. The covenants, conditions and restrictions of this Declaration and the benefit of easements hereby granted to the Association shall run with title to the Lots and shall inure to the benefit of the Lot Owners and shall be enforceable by the Declarant, or the Association, its Association Manager or any of the Lot Owners.

2. Indemnification. The Association shall indemnify Declarant and any persons acting in the capacity of Association Manager against any and all expenses, including attorneys' fees and costs reasonably incurred by or imposed upon said Declarant or Association Manager in connection with any action, suit or other proceeding (including settlement of any suit or proceeding) to which the Declarant or Association Manager may be a party by reason of any actions, contracts, agreements or other activity undertaken by the Declarant or Association Manager before or after the making of this Declaration. The Declarant or Association Manager shall not be liable for any mistake of judgment, negligent or otherwise, except for willful misfeasance, malfeasance, misconduct or bad faith. The Declarant or Association Manager shall have no personal liability with respect to any

contract or other commitment made by them, in good faith, with respect to the Common Facilities or otherwise, on behalf of the Association, and the Association shall indemnify, save and forever hold such Declarant or any Association Manager free and harmless against any and all liability to any other party on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which Declarant or any Association Manager may be entitled in this regard.

3. Amendment or Modifications.

(a) This Declaration may be amended or modified in any particular by the Declarant so long as Declarant is the Owner of two (2) or more Lots.

(b) At any time subsequent to the conveyance of at least three (3) of the Lots by Declarant, the Lot Owners may amend or modify this Declaration in any particular by a written instrument executed by the Owners of not less than three (3) of the Lots, and recorded in the records of the County. Provided further, that no such amendment or modification of this Declaration which affects or purports to affect any rights accorded to or reserved by the Declarant herein shall be operable or effective unless the aforementioned instrument of amendment or modification is also executed by Declarant.

4. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

5. Perpetuities. If any of the covenants, conditions and restrictions of this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the longest lived member of the presently constituted Board of County Commissioners of the County.

6. Non-Waiver. The failure of Declarant, the Association, the Association Manager, or a Lot Owner to object to any breach of or failure to comply with the provisions of this Declaration or any Rules and Regulations of the Association by a person subject thereto shall in no event be deemed a waiver of any right to object to the same and to seek compliance therewith at any time.

7. Captions. Article and paragraph or section captions, headings, or titles inserted throughout this Declaration are intended solely as a means of convenience and reference and in no way shall such captions, headings or titles define, limit or in any way affect any of the substantive terms and provisions of this Declaration.

8. Context. Whenever the context requires, any pronoun used herein shall be deemed to mean both the feminine and masculine gender, and the singular shall be deemed to also encompass the corresponding plural.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Grant of Easements

and Declaration of Covenants, Conditions and Restrictions for Silt Heights Subdivision the day and year first above written.

Terri Patrick
Terri Patrick

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 3rd day of March, 2008 by Terri Patrick.

Witness my hand and official seal.

My commission expires 11/19/2012

Michelle R Daniels
Notary Public

MICHELLE R. DANIELS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTTAWA
NOTARY PUBLIC STATE 19, 2012
acting in the County of Kent

**SILT HEIGHTS SUBDIVISION
ENGINEERS OPINION OF PUBLIC IMPROVEMENT COSTS
HCE JOB NO: 2000023.02**

August 20, 2007

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ITEM	QUANTITY		UNIT COST	COST
Road Construction				
Earthwork	1	L.S.	\$ 3,000.00	\$ 3,000.00
Topsoil Removal and Stockpiling	1	L.S.	\$ 500.00	\$ 500.00
6" Class 6 Base Material	390	CY	\$ 70.00	\$ 27,300.00
			Subtotal	\$ 30,800.00
Erosion Control				
Sediment Control Fence	648	L.F.	\$ 3.00	\$ 1,944.00
Hay Check Dams	22	Each	\$ 50.00	\$ 1,100.00
			Subtotal	\$ 3,044.00
Miscellaneous				
Electric Transformer	1	Each	\$ 3,000.00	\$ 3,000.00
Traffic Signs	3	Each	\$ 1,200.00	\$ 3,600.00
			Subtotal	\$ 6,600.00
			Subtotal	\$ 40,444.00
Contingency (10%)				\$ 4,044.40
Mobilization (5%)				\$ 2,022.20
			Total	\$ 46,510.60

This summary of probable construction cost was prepared for estimating purposes only. High Country Engineering, Inc. cannot be held responsible for variances from this estimate as actual costs may vary due to bid and market fluctuations.

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**SILT HEIGHTS SUBDIVISION
ENGINEERS OPINION OF PUBLIC IMPROVEMENT COSTS
HCE JOB NO: 2000023.02**

August 20, 2007

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ITEM	QUANTITY		UNIT COST	COST
Miscellaneous				
Revegetation	0.5 Acres		\$ 10,000.00	\$ 5,000.00
			Subtotal	\$ 5,000.00
Contingency (10%)				\$ 500.00
Mobilization (5%)				\$ 250.00
			Total	\$ 5,750.00

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			Subtotal	\$ 30,800.00
Erosion Control				
Sediment Control Fence	648	L.F.	\$ 3.00	\$ 1,944.00
Hay Check Dams	22	Each	\$ 50.00	\$ 1,100.00
			Subtotal	\$ 3,044.00
Miscellaneous				
Electric Transformer	1	Each	\$ 3,000.00	\$ 3,000.00
Traffic Signs	3	Each	\$ 1,200.00	\$ 3,600.00
			Subtotal	\$ 6,600.00
			Subtotal	\$ 40,444.00
Contingency (10%)				\$ 4,044.40
Mobilization (5%)				\$ 2,022.20
			Total	\$ 46,510.60

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IRREVOCABLE STANDBY LETTER OF CREDIT

Date of Issue: APRIL 18, 2007
Amount: \$1,250.00
Number: 640117333
Expiration Date: FEBRUARY 12, 2010

APPLICANT: TERRI LYNN PATRICK

BENEFICIARY: BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY

PURPOSE: AGRICULTURAL RADIFICATON OF PROPERTIES

To Whom It May Concern:

We hereby establish in Beneficiary's favor, at the request and for the benefit of Applicant, our Irrevocable Standby Letter of Credit in an amount not to exceed \$1,250.00 (U.S. \$1,250.00). The purpose of this letter is to secure the performance of and the compliance with the Agreement, by and between, Applicant and Beneficiary.

Beneficiary shall promptly notify Bank when a default or event of default of said agreement occurs. Your notification shall include any notice or order required to be sent to Applicant pursuant to the agreement. Notice shall be by telephone and in writing to:

ALPINE BANK SOUTH RIFLE
ATTENTION: JOY WENTZEL
405 AIRPORT ROAD
RIFLE, COLORADO 81650
970-625-6650

We hereby agree to honor drafts drawn under and in compliance with the terms of this Letter of Credit if duly presented to a loan officer at 405 AIRPORT ROAD, RIFLE, COLORADO, during normal business hours on or before the expiration date. Partial drawings are permitted. This Letter of Credit is not transferable.

The conditions for payment of any draft drawn against this Letter of Credit are as follows:

1. Receipt by Bank of Beneficiary's manually signed statement by an authorized signatory certifying that Applicant has failed to perform with, or comply in accordance with, the provisions of said agreement by and between Applicant and Beneficiary, and stating the dollar amount of the default.

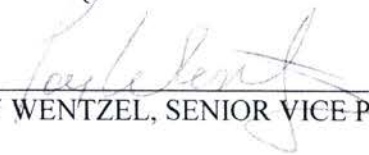


Alpine Bank

2. Presentation of the original Letter of Credit to Bank, endorsed on the reverse side with the words: "BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY" in the amount requested, then manually signed by an authorized signatory.

This Letter of Credit shall be governed by Article V of the Uniform Commercial Code as in effect in the State of Colorado on the date of issue. This Letter of Credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by any document, instrument or agreement referred to herein, or in which this credit is referred to, or to which this credit relates; and no such reference shall be deemed to incorporate herein by reference any such document, instrument or agreement.

ALPINE BANK

By: 

JOY WENTZEL, SENIOR VICE PRESIDENT/ MANAGER

SILT HEIGHTS SUBDIVISION
SUBDIVISION IMPROVEMENTS AGREEMENT

THIS SILT HEIGHTS SUBDIVISION IMPROVEMENTS AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2007, by and between TERRI PATRICK, (“OWNER”) and the BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO (the “County”).

WITNESSETH:

WHEREAS, Owner is the developer of a parcel of real property known as the SILT HEIGHTS SUBDIVISION which property is depicted on the Final Plat of the SILT HEIGHTS SUBDIVISION (the “Final Plat”).

WHEREAS, on June 19, 2006, the County approved a Preliminary Plan for the SILT HEIGHTS SUBDIVISION (Resolution No. 06-68, “Preliminary Plan Approval”) which would create four residential parcels; and

WHEREAS, as a condition of approval of the Final Plat for the SILT HEIGHTS SUBDIVISION, Owner wishes to enter into this Subdivision Improvements Agreement with the County.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. **FINAL PLAT APPROVAL.** The County hereby accepts and approves the Final Plat for the SILT HEIGHTS SUBDIVISION, subject to the terms and conditions of this Agreement, the Preliminary Plan Approval, and the requirements of the Garfield County Zoning and Subdivision Regulations.
2. **OWNER’S PERFORMANCE.** Owner has constructed and installed, or shall cause to be constructed and installed, at Owner’s expense, those subdivision improvements (“Improvements”) related to the Final Plat for the SILT HEIGHTS SUBDIVISION which are required to be constructed under the Preliminary Plan Approval, this Agreement, and all Garfield County Zoning and Subdivision Regulations. Owner shall comply with the following:
 - a. All Plat documents, including plans marked “Approved for Construction”, submitted prior to or at the time of Final Plat approval, all of which are incorporated herein by this reference (“Final Plat Documents”);
 - b. All requirements of the Preliminary Plat Approval, including all Garfield County Zoning and Subdivision Regulations applicable to this project;

- c. All laws, regulations, orders and resolutions of the State of Colorado, the County of Garfield, and any and all special districts within which the SILT HEIGHTS SUBDIVISION may be located;
- d. All designs, specifications, drawings, maps, sketches, and other materials submitted by Owner and her engineers in furtherance of the application for the approval of the SILT HEIGHTS SUBDIVISION, as heretofore approved by the County, including those items set forth on the certified Engineer's Estimate of Cost of Completion, attached hereto and incorporated herein as **Exhibit A**.
- e. Payment of all fees required by the County and/or such other government authority or special district with jurisdiction, as may be required for installation of the Improvements.
- f. All such Improvements shall be completed before issuance of a building permit, and in any event, before one year from the date of execution of this Agreement, ("Completion Date"), which period may be extended by the Board for good cause shown.

The County agrees that if all required improvements are installed in accordance with the Final Plat documents, the requirements of the Garfield County Zoning Code, all other requirements of this Agreement, and the requirements of the Preliminary Plan Approval, then the Owner shall be deemed to have satisfied all terms and conditions of the Zoning and Subdivision Regulations of Garfield County, Colorado with respect to the installation of Improvements.

3. SECURITY FOR IMPROVEMENTS.

a. Letter of Credit. On or before the date of the recording of the Final Plat of SILT HEIGHTS SUBDIVISION with the Garfield County Clerk and Recorder, Owner shall deliver a Letter of Credit in a form acceptable to the County ("Letter of Credit"). The estimated cost of completing the SILT HEIGHTS SUBDIVISION Improvements, as set forth by a licensed engineer on **Exhibit A** attached hereto is \$46,510.60. Of that amount, Improvements in the amount of \$0.00 have been completed and invoices for those amounts have been paid. A Letter of Credit will be issued in the amount of \$52,260.60 to guarantee completion of the remaining Improvements. Of that amount, \$5,750.00 shall be allocated to revegetation of the disturbed areas which amount the County may hold the security for a two-year period of time following recording of the Final Plat in order to verify the success of revegetation efforts. Certifications and release of the security for revegetation upon expiration of said two-year period shall be substantially in accordance with the procedures outlined below in the section entitled Partial Releases of Security, with certification of completion by the developer and release approved by the Garfield County Vegetation Manager.

The Letter of Credit required by this Agreement shall be issued by a state or national banking institution acceptable to the County. If the institution issuing the Letter of Credit is not licensed in the State of Colorado and transacting business within the State of Colorado, the Letter of Credit shall be "confirmed" within the meaning of the Uniform Commercial Code-Letters of Credit §§ 4-5-101,

et seq., C.R.S., by a bank that is licensed to do business in the State of Colorado, doing business in the State of Colorado, and acceptable to the County. The Letter of Credit must be valid for a minimum of six (6) months beyond the completion date for the Improvements set forth herein. If the time for completion of Improvements is extended by a written amendment to this Agreement, the time period for the validity of the Letter of Credit shall be similarly extended. Additionally, should the Letter of Credit become void or unenforceable for any reason, including bankruptcy of the Owner or the financial institution issuing or confirming the Letter of Credit, prior to acceptance of the Improvements, this Agreement shall become void and of no force and effect, and the Final Plat shall be vacated pursuant to the term of this Agreement.

b. Partial Releases of Letter of Credit. The County shall release portions of the Letter of Credit as portions of the Improvements required hereunder are completed to the satisfaction of the County. Certification of completion of Improvements adequate for release of security must be submitted by a licensed or registered engineer. Such certification authorizing release of security shall certify that the Improvements have been constructed in accordance with the requirements of this Agreement, including all Final Plat Documents.

Upon submission of a certification of completion of Improvements by the Owner, the County may inspect and review the Improvements certified as complete, to determine whether or not said Improvements have been constructed in compliance with the relevant specifications. If the County determines that all or a portion of the Improvements certified as complete are not in compliance with the relevant specifications, the County shall furnish a letter of potential deficiencies to the Owner within fifteen (15) days specifying which Improvements are potentially deficient. If no letter of potential deficiency is furnished within the said fifteen (15) day period, all Improvements certified as complete shall be deemed accepted and the County shall release the appropriate amount of security as it relates to the Improvements that were certified as complete. If a letter of potential deficiencies is issued which identifies a portion of the certified improvement as potentially deficient, then all Improvements not so identified in the letter of potential deficiencies shall be deemed accepted and the County shall release the appropriate amount of security as such relates to the certified Improvements that are not identified as potentially deficient in the letter.

With respect to any Improvements certified as complete by the Owner that are identified as potentially deficient in a letter of potential deficiencies as provided in this paragraph, the County shall have thirty (30) days from the date of the letter of potential deficiencies to complete its investigation and provide written confirmation of deficiency to Owner. If the County finds that the Improvements are acceptable, then appropriate security shall be released to the Owner within ten (10) days after completion of such investigation. In the event the Improvements are not accepted by the County, the Board of Commissioners shall make a written finding prior to requesting payment from the Letter of Credit. Additionally, the County shall provide the Owner a reasonable period of time to cure any deficiency prior to requesting payment from the Letter of Credit.

Upon completion of all Improvements, Owner shall submit to the Board of County Commissioners of Garfield County as-built drawings bearing the stamp of Owner's professional engineer certifying

that all Improvements have been constructed in accordance with the requirements of this Agreement, including all Final Plat Documents.

c. **Substitution of Letter of Credit.** The County may, at its sole option, permit the Owner to substitute collateral other than a Letter of Credit acceptable to the County for the purpose of securing the completion of the Improvements as hereinabove provided.

d. **Recording of Final Plat.** The Final Plat for SILT HEIGHTS SUBDIVISION shall not be recorded pursuant to this Agreement until the Letter of Credit described in this Agreement has been received and approved by the County.

4. **WATER SUPPLY.** Owner shall transfer / assign five (5) shares of the Farmers Irrigation Company to the Silt Heights Subdivision Homeowner's Association for the irrigation water for the respective Lots.

5. **ROAD.** Owner has dedicated as a public right-of-way for access and utility purposes that portion of the access road, together with the cul-de-sac turnaround, indicated, designated and described as "Silt Heights Drive" on the Final Plat of the SILT HEIGHTS SUBDIVISION. The Silt Heights Subdivision Homeowner's Association shall be solely responsible for the maintenance, repair and upkeep of said road. The County shall not be obligated to maintain any roads within the subdivision.

6. **INDEMNITY.** To the extent allowed by law, the Owner agrees to indemnify and hold the County harmless and defend the County from all claims which may arise as a result of the Owner's installation of the Improvements required pursuant to this Agreement. However, the Owner does not indemnify the County for claims made asserting that the standards imposed by the County are improper or the cause of the injury asserted. The County shall be required to notify the Owner of receipt of a notice of claim, or a notice of intent to sue, and shall afford the Owner the option of defending any such claim or action. Failure to notify and provide such written option to the Owner shall extinguish the County's rights under this paragraph. Nothing herein shall be interpreted to require the Owner to indemnify the County from claims which may arise from the negligent acts or omissions of the County or its employees.

7. **SALE OF LOTS.** No parcels within the SILT HEIGHTS SUBDIVISION may be separately conveyed prior to recording of the Final Plat in the records for the Garfield County Clerk and Recorder.

8. **ROAD IMPACT FEES.** SILT HEIGHTS SUBDIVISION will require a Traffic Impact Fee of \$6,528.30. Fifty percent (50%) of these fees (\$3,264.15) will be due at the time of Final Plat approval for SILT HEIGHTS SUBDIVISION. The remaining 50% (\$3,264.15) will be collected pro rata from the lot owner at the time of building permit issuance for residences on Lots 1 through 3 (i.e. \$1,088.05) each time a building permit issues for a residence within SILT HEIGHTS SUBDIVISION. The Owner agrees that, prior to conveyance of any lot, it will provide the purchaser

of that lot with a signed copy of the form attached as **Exhibit B** advising the purchaser of the same.

9. FEES IN LIEU OF DEDICATION OF SCHOOL LAND. The Owner shall make a cash payment in lieu of dedicating land to the RE-2 School District, calculated in accordance with the Garfield County subdivision regulations and the requirements of state law. The Owner and the County acknowledge and agree that the cash in lieu payment for the Subdivision is calculated as \$200.00 per unit.

The Owner, therefore, shall pay to the Garfield County Treasurer, at or prior to the time of recording of the Final Plat, \$800.00 as a payment in lieu of dedication of land to the RE-2 School District. Said fee shall be transferred by the County to the school district in accordance with the provisions of §30-28-133, C.R.S., as amended, and the Garfield County subdivision regulations.

The Owner agrees that it is obligated to pay the above-stated fee, accepts such obligation, and waives any claim that Owner is not required to pay the cash in lieu of land dedication fee. The Owner agrees that Owner will not claim, nor is Owner entitled to claim, subsequent to recording of the Final Plat of the Subdivision, a reimbursement of the fee in lieu of land dedication to the RE-2 School District.

10. ISSUANCE OF BUILDING PERMITS. As one remedy for breach of this Agreement, the County may withhold issuance of any building permits for any new structure within SILT HEIGHTS SUBDIVISION. Without limiting the generality of the foregoing, should crossings of the Farmers Irrigation Ditch be required to access building sites, such crossings shall be approved by the Silt Water Conservancy District and proof of approval shall be submitted with any applicable building permit applications(s).” The parties also agree that no certificates of occupancy for new residences within SILT HEIGHTS SUBDIVISION shall be issued until all Improvements (as defined above) have been completed as required by this Agreement. Finally, the Owner agrees that, prior to conveyance of any lot, it will provide the purchaser of that lot with a signed copy of the form attached as **Exhibit B** concerning the issuance of building permits and certificates of occupancy for new construction.

11. FIRE PROTECTION. The Owner agrees that, prior to conveyance of any lot, it will provide the purchaser of that lot with a signed copy of the form attached as **Exhibit B** advising the purchaser that all new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards, and that the design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District.

12. SPECIAL NOTICE REGARDING BUILDING SITE ACCESS. Should crossings of the Farmer’s Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application. The Owner agrees that, prior to conveyance of any lot, it will provide the purchaser of that lot with a signed copy of the form attached as **Exhibit B** advising the purchaser of the same.

13. ENFORCEMENT. In addition to any rights which may be provided by Colorado statute, the withholding of building permits and certificates of occupancy, and the provisions for release of security detailed above, it is mutually agreed by the County and the Owner that the County, without making an election of remedies, or any purchaser of any lot within the Subdivision shall have the authority to bring an action in the Garfield County District Court to compel enforcement of this Agreement. Nothing in this Agreement, however, shall be interpreted to require the County to bring an action for enforcement or to withhold permits or certificates or to withdraw and use security. Nor shall this paragraph or any other provision of this Agreement be interpreted to permit the purchaser of a lot to file an action against the County.

14. CONSENT TO VACATE PLAT. In the event the Owner fails to comply with the terms of this Agreement, the County shall have the ability to vacate the Final Plat as it pertains to any lots for which building permits have not been issued. As to lots for which building permits have been issued, the plat shall not be vacated and shall remain valid. In such event, the Owner shall provide the County a survey, legal description and a plat showing the location of any portion of the Final Plat so vacated and shall record the plat in the Office of the Garfield County Clerk and Recorder. If such plat is not recorded by the Owner, the County may vacate the plat, or portions thereof, by Resolution.

15. NOTICE BY RECORDATION. This Agreement shall be recorded in the Office of the Garfield County Clerk and Recorder and shall be a covenant running with title to all lots, tracts; and parcels within the Subdivision. Such recording shall constitute notice to prospective purchasers or other interested parties as to the terms and provisions thereof.

16. SUCCESSORS AND ASSIGNS. The obligations and rights contained herein shall be binding upon and inure to the benefit of the successors and assigns of the Owner and the County.

17. NOTICES. All notices required or permitted by this Agreement shall be in writing and shall be deemed effective when received by the recipient party via personal delivery, facsimile transmission, United States certified mail, postage prepaid, return receipt requested, by messenger or by overnight delivery service, in all cases addressed to the person for who it is intended at their address and facsimile numbers(s) set forth below or to such other address as a party shall have designated by notice in writing to the other party in the manner provided by this paragraph:

If to Owner: Terri Patrick
6605 South Arbutus Circle
Suite 1326
Littleton, Colorado 80127

If to the County: Board of County Commissioners
c/o Fred Jarman, Garfield County Planning Director
108 Eighth Street, Room 201
Glenwood Springs, CO 81601

18. AMENDMENT. This Agreement may be amended or modified from time to time, but only in writing signed by the parties hereto.

19. VENUE AND JURISDICTION. Venue and jurisdiction for any cause arising out of, or related to, this Agreement shall lie with the District Court for Garfield County, Colorado, and this Agreement shall be construed according to the laws of the State of Colorado.

IN WITNESS WHEREOF, the parties have signed this Agreement to be effective upon the date first set forth above.

BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF GARFIELD, STATE OF COLORADO

By: _____
Print Name:
Chairman

ATTEST:

Jean Alberico, Clerk and Recorder
Garfield County, Colorado



TERRI PATRICK

STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

Subscribed and sworn to before me by TERRI PATRICK, this _____ day of _____, 200__.
WITNESS my hand and official seal.
My commission expires:

Notary Public

MICHELLE R. DANIELS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTTAWA
MY COMMISSION EXPIRES Nov 19, 2012
COUNTY OF Kent

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 3rd DAY OF March A.D. 2008
Michelle R Daniels
NOTARY PUBLIC STATE OF MICHIGAN
MY COMMISSION EXPIRES: 11/19/2012
COUNTY OF: Ottawa
acting in Kent County

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BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF GARFIELD, STATE OF COLORADO

By: _____
Print Name:
Chairman

ATTEST:

Jean Alberico, Clerk and Recorder
Garfield County, Colorado

Terry Patrick
TERRI PATRICK

STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

Subscribed and sworn to before me by TERRI PATRICK, this _____ day of _____, 200__.
WITNESS my hand and official seal.
My commission expires:

Notary Public

MICHELLE R. DANIELS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTTAWA
MY COMMISSION EXPIRES NOV 10, 2012
Kend

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 3rd DAY OF March A.D. 2008

Michelle Daniels

NOTARY PUBLIC STATE OF MICHIGAN
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BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF GARFIELD, STATE OF COLORADO

By: _____
Print Name:
Chairman

ATTEST:

Jean Alberico, Clerk and Recorder
Garfield County, Colorado

TERRI PATRICK
TERRI PATRICK

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)ss.
COUNTY OF GARFIELD)

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EXHIBIT B

NOTICE REGARDING BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

TO: All Purchasers of home sites within **SILT HEIGHTS SUBDIVISION**

YOU ARE HEREBY NOTIFIED under applicable Garfield County regulations, you may not commence construction of a residence within unincorporated Garfield County, including SILT HEIGHTS SUBDIVISION prior to issuance of a building permit by Garfield County. Under the terms of the Subdivision Improvements Agreement between Garfield County and Terri Patrick, Garfield County will not issue building permits for any new structure in SILT HEIGHTS SUBDIVISION until the prorated portion of the remaining 50% of the Garfield County Road Impact Fee is paid by the party seeking the building permit. Note: The owner paid 50% of such fee as part of the subdivision approval process.

Additionally, Garfield County will not issue Certificates of Occupancy for any new structures within SILT HEIGHTS SUBDIVISION until all of the subdivision improvements have been completed in accordance with the Subdivision Improvements Agreement between Garfield County and Terri Patrick.

All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards, and that the design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District.

Additionally, Should crossings of the Farmer's Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.

Terri Patrick

The foregoing Notice was read and understood by the undersigned Purchaser of a home site within SILT HEIGHTS SUBDIVISION, this ____ day of _____ 20__.

PURCHASER(S):

(Type Name(s))

(Type Address)