

(Sample)

SPECIAL WARRANTY DEED

THIS DEED, made this _____ day of _____, 20__, between Jackson Ranch LLC, a Colorado limited liability company, whose address is 17435 Roller Coaster Rd., Monument, CO 80132-8312, Grantor, and _____, Grantee;

WITNESSETH, That the Grantor, for and in consideration of ten dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantees, and their successors and assigns forever, the following water and water rights, located in the County of El Paso, State of Colorado:

0.75 acre-feet per year of Dawson aquifer groundwater, as decreed in Consolidated Case Nos. 13CW3100 WD#1 (District Court, Water Division 1) and 13CW3042 (District Court, Water Division 2), associated with Lot _____, Jackson Ranch Filing 1, and the right to obtain a well permit for a well to withdraw said Dawson aquifer groundwater for in-house use (0.4 acre-feet per year) and irrigation of 5000 square-feet of home lawn and garden (0.3 acre-feet) and use in a water feature (0.05 acre-feet), pursuant to the terms and conditions of the augmentation plan as decreed in the referenced case. Grantor hereby reserves all remaining groundwater underlying said Lot.

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 Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantees, and their successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that it shall WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantees, and their successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Grantor provides no warranty as to the quantity or quality of the water conveyed herein.

The water and water rights conveyed herein are intended to provide a 300 year water supply for the referenced Lot. Therefore, the water and water rights shall run with the land, must be transferred to all successors and assigns of Grantee, may not be separated from transfer of title to the land, and may not be separately conveyed, bartered, liened or encumbered.

