

## SPECIAL WARRANTY DEED

This Deed is made this \_\_\_\_ day of \_\_\_\_\_, 2012, by the **VALLE DEL SOL COMMUNITY CENTER/ALAMOSA RIVERKEEPERS**, an unincorporated nonprofit Colorado Association (hereinafter “ARK” or “Grantor”), to the **COLORADO WATER CONSERVATION BOARD**, an agency of the State of Colorado (hereinafter “CWCB” or “Grantee”).

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell, convey and assign to Grantee, its successors and assigns, forever, all of the Grantor’s right, title and interest in and to the following described water right located in Water Division 3, State of Colorado:

One-half (0.5) cubic feet per second of the 14 cubic feet per second decreed to the **Valdez Ditch** by the District Court in and for Conejos County, State of Colorado by decree dated July 11, 1888, as Priority No. 9, with an appropriation date of April 10, 1870, (the “Priority 9 Water” or “Lucero’s Valdez Ditch Right”).

Grantor hereby covenants and agrees that it shall and will warrant and forever defend Lucero’s Valdez Ditch Right in the quiet and peaceable possession of the CWCB, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

Grantee shall use the subject water right in accordance with the provisions of the Donation and Acquisition Agreement between Grantor and Grantee dated \_\_\_\_\_ to preserve or improve the natural environment to a reasonable degree in the Alamosa River from the headgate or from the outlet of Terrace Reservoir downstream to the bridge at County Road 10 (“the Instream Flow Reach”)

Grantor hereby reserves the right to lease Lucero’s Valdez Ditch Right to the original sellers for continued irrigation use until the CWCB desires to begin using Lucero’s Valdez Ditch Right for instream flow purposes in the Instream Flow Reach. Grantor further reserves the right to bring about beneficial use of the historical consumptive use of Lucero’s Valdez Ditch Right as fully consumable water at any point downstream from County Road 10, subject to such terms and conditions as the Water Court deems necessary to prevent injury to vested water rights or decreed conditional water rights.

In witness whereof, Grantor has executed this deed on the date first written above.

**VALLE DEL SOL COMMUNITY CENTER,**

**on behalf of the ALAMOSA RIVERKEEPERS**

\_\_\_\_\_  
**Julie Gomez-Nuanes**

**ATTEST:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

County of Conejos                    )  
  ) SS  
State of Colorado                    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011,  
by Julie Gomez-Nuanes as President of Valle Del Sol Community Center on behalf of the  
Alamosa Riverkeepers.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_