

## QUIT CLAIM DEED

**THIS DEED**, made this 13<sup>th</sup> day of January, 2012, between

**The Stephen S. Marmaduke F.L.P., a Texas Limited Partnership,  
a/k/a Stephen S. Marmaduke Family, Limited Partnership, a Texas Limited Partnership**

whose address is 19894 B. County Road 500, Pagosa Springs, CO 81147 , Grantor, and

**S & T Farms, LLC,  
a Colorado Limited Liability Company**

whose legal address is P. O. Box 1228, ~~5627 County Road 50~~, Center CO 81125, Grantee.

**WITNESS**, that the grantor, for good and valuable consideration in hand hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does remise, release, sell, convey and Quit Claim(s) unto the grantee, his/her heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Saguache and State of Colorado described as follows:

See "Exhibit A" attached hereto

Together with all water and water rights, ditches and ditch rights, wells and well rights, which are or may be used on or in connection with the hereinafter described real property at the present time or any time hereafter, including, but not limited to, adjudicated water rights and decrees and priorities therefore; unadjudicated water rights and appropriations; rights in water from tributary and nontributary sources, whether surface or underground; conditional water rights; rights existing under well permits issued by the State Engineer; rights and permits in designated groundwater basins; rights in nontributary water existing by virtue of land ownership; all rights in nontributary water existing by virtue of land ownership; all rights, shares, or allotments of water in ditch companies; conservancy districts, or other water distribution organizations and all shares of stock and other instruments evidencing a right to such water; all aboriginal rights, pueblo rights, reserve rights, and other rights no derived from state law; all rights claimed under contract, exchange, or plans of augmentation; all canals, reservoirs, pipelines, tunnels; and rights of way appurtenant to or used in connection with the above described real property, including, but not limited to:

See "Exhibit B" attached hereto

also known by street and number as: <sup>6790</sup>~~4790~~ County Road 41 G, Del Norte, CO 81132

**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 Grantee, his/her heirs and assigns forever. The singular number shall 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.

**The Stephen S. Marmaduke F.L.P., a Texas  
Limited Partnership, a/k/a Stephen S.  
Marmaduke Family, Limited Partnership, a  
Texas Limited Partnership**

By

  
Stephen S. Marmaduke  
General Partner

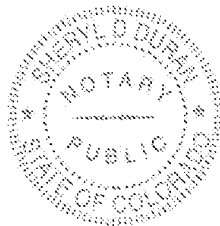
STATE OF COLORADO                 )  
County of Alamosa                 ) ss.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2012, by Stephen S. Marmaduke as General Partner of The Stephen S. Marmaduke F.L.P., a Texas Limited Partnership, a/k/a Stephen S. Marmaduke Family, Limited Partnership, a Texas Limited Partnership.

My commission expires: 5/21

Witness my hand and official seal.

Notary Public



BY COMMISSION EXPRESS  
27/06/2014

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 41 NORTH, RANGE 6 EAST, N.M.P.M.

Section 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , Lot 3 (a/k/a NE $\frac{1}{4}$ NW $\frac{1}{4}$ ), S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ,

Section 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 12: All,

SAVING AND EXCEPTING THEREFROM a portion of land 135' x 50' in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , as described in Quit Claim Deed recorded May 17, 1995, under Reception No. 310718 of the Saguache County, Colorado, records described as follows:

Beginning at the intersection of Section 12 and 13, of Township 41 North, Range 6 East and Section 7 and Section 18, of Township 41 North, Range 7 East, N.M.P.M.;

"This property starts approximately 164' North of this intersection, goes West approximately 50', thence North approximately 135', thence East approximately 50', thence South approximately 135' to the point of beginning."

TOWNSHIP 41 NORTH, RANGE 7 EAST, N.M.P.M.

Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 6: All

Section 7: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$

Section 8: W $\frac{1}{2}$

TOWNSHIP 42 NORTH, RANGE 6 EAST, N.M.P.M.

Section 18: All that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , lying South of Saguache County Road 41G.

Section 19: E $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ ,

SAVING AND EXCEPTING THEREFROM any portion thereof lying North of Saguache County Road 41G;

ALSO SAVING AND EXCEPTING a tract of land beginning at the North corner of the tract herein described, a point in the center of Saguache County Road 41-G, whence the Northwest corner of said Section 19 bears North 51°25.5' West 1457.26 feet distant; thence South 41°40.5' West 678.92 feet to the West corner of the tract herein described; thence South 73°42.5' East 42.50 feet; thence North 70°24.5' East 72.78 feet; thence South 79°35' East 137.78 feet; thence South 22°00.5' East 238.15 feet; thence South 62°54' East 68.08 feet; thence South 10°56.5' West 98.87 feet; thence South 72°09.5' East 33.62 feet to the South corner of the tract herein described; thence North 45°36' East 487.40 feet to the East corner of the tract herein described; thence along the center of said road the following courses: North 21°42' West 85.90 feet; North 12°26' West 163.33 feet; North 28°44.5' West 128.07 feet; North 41°01.5' West 99.20 feet and North 44°58.5' West 157.32 feet to the place of beginning.

Section 25: The E½NE¼ and

A fraction of the South Half (S½), being more particularly described by metes and bounds as follows, to-wit:

Beginning at the Northeast corner of the fraction herein described, which corner is identical with the East quarter corner of said Section 25; thence South 01°15.2' West 1312.48 feet along the East line of the NE¼SE¼ of said Section 25 to the Southeast corner thereof, which corner is identical with the Southeast corner of the fraction herein described; thence North 89°53.1' West 1330.44 feet along the South line of the NE¼SE¼ of said Section 25 to the Southwest corner thereof; thence South 68°00.9' West 274.25 feet; thence South 77°10.2' West 1044.10 feet along an existing fence; thence North 87° 51.0' West 374.25 feet along an existing fence to the Southwest corner of the fraction herein described; thence North 08°53.8' West 465.16 feet; thence North 49°22.9' East 524.50 feet to a point on the West line of the NW¼SE¼ of said Section 25; thence North 01°14.0' East 862.06 feet along the West line of the NW¼SE¼ of said Section 25 to the Northwest corner thereof, which corner is identical with the Northwest corner of the fraction herein described; thence South 89°17.5' East 2660.94 feet along the North line of said South Half (S½) of said Section 25 to the place of beginning.

Section 26: SW¼ and SE¼

Section 27: W½NW¼, N½SW¼ and SE¼,

SAVING AND EXCEPTING that portion lying North of Saguache County Road 41-G.

Section 28: N½ and N½SE¼,

SAVING AND EXCEPTING any portion thereof lying North of Saguache County Road 41-G,

ALSO SAVING AND EXCEPTING a tract of land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 28, which tract is more particularly described by metes and bounds as follows, to-wit:

Beginning at the Southeast corner of the tract herein described, whence the Southeast corner of said Section 28 bears South 42°59' East 4856.67 feet distant; thence North 71°04.5' West 510.20 feet to the Southwest corner of the tract herein described; thence North 12°47' East 123.95 feet to the Northwest corner of the tract herein described; thence South 84°58.5' East 589.65 feet to the Northeast corner of the tract herein described; thence South 29°23.5' West 269.35 feet to the place of beginning.

Section 29: North Half (N $\frac{1}{2}$ ),

SAVING AND EXCEPTING any portion thereof lying North of Saguache County Road 41-G.

Section 30: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,

SAVING AND EXCEPTING any portion thereof lying North of Saguache County Road 41-G.

Section 36: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,

SAVING AND EXCEPTING that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 36 described as:

Commencing at the East Quarter (E $\frac{1}{4}$ ) corner of said Section 36; thence North 185 feet to point of beginning; thence North 52°45' West 1312 feet; thence North 350 feet; thence East on forty line 1011 feet to forty corner; thence South 1135 feet to place of beginning.

ALSO SAVING AND EXCEPTING commencing at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 36; thence North 50° West 1317 feet to a point on the South side of Garita Arroya; thence South 863 feet to a point on forty line; thence East 990 feet to the place of beginning.

FURTHER SAVING AND EXCEPTING commencing at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 36; thence North 50° West 1317 feet to a point on the South side of Arroya and the True Point of Beginning; thence North 67°30' West 320 feet; thence South 10° East 542 feet; thence South 54° East 255 feet; thence North 563 feet to the True Point of Beginning.

ALSO FURTHER SAVING AND EXCEPTING that certain property described in deed to the Roman Catholic Church of Saguache County and which is particularly described as follows:

Beginning at a point 100 yards East of the Northwest corner of the NE¼ of said Section 36; thence South 155 yards; thence East 312.258 yards; thence North 155 yards; thence West 312.258 yards to the place of beginning.

ALSO FURTHER SAVING AND EXCEPTING a parcel of land located in the SE¼SW¼ and SW¼SE¼ of Section 25 and in the NE¼ of Section 36, all in Township 42 North, Range 6 East, N.M.P.M., which parcel is more particularly described by metes and bounds as follows, to-wit:

Beginning at the Southeast corner of parcel herein described, which corner is identical with the East Quarter corner of said Section 36; thence North 88°25.7' West 1330.10 feet to the Southwest corner of the parcel herein described which corner is identical with the East one-sixteenth corner of said Section 36; thence North 01°00.2' East 1333.19 feet to the Northeast one-sixteenth corner of said Section 36; thence North 89°27.2' West 1330.24 feet to the North one-sixteenth corner of said Section 36; thence North 01°00.1' East 1309.38 feet to the North quarter corner of said Section 36; thence continuing North 01°00.1' East 274.75 feet to the Northwest corner of the parcel herein described; thence South 66°40.9' East 321.45 feet; thence South 612.46 feet; thence East 936.77 feet; thence North 43°58.5' East 138.17 feet to the Northeast corner of the parcel herein described; thence South 10°00' East 542.00 feet; thence South 54°43.5' East 262.43 feet; thence S. 1°17.7' E. 274.31 feet; thence North 89°27.2' West 21.00 feet; thence South 07°55.9' West 391.06 feet; thence South 52°45.0' East 1312.00 feet to a point on the East line of the NE¼ of said Section 36; thence South 01°00.3' West 185.00 feet along the East line of said Section 36 to the place of beginning.

TOWNSHIP 42 NORTH, RANGE 7 EAST, N.M.P.M.

Section 29: W½SW¼,

SAVING AND EXCEPTING beginning at the Northwest corner of the SW¼SW¼ of said Section 29; thence East 417.33 feet; thence South 417.33 feet; thence West 208.66 feet; thence North 208.66 feet; thence West 208.66 feet; thence North 208.66 feet, more or less, to the point of beginning;

Section 29: Tract No. 5

Section 30: All

Section 31: N½N½, N½SE¼NE¼, NE¼SW¼NE¼, S½NW¼, S½SE¼ and all that portion of the SW¼ lying South of the Southerly right-of-way line of Saguache County Road 41G;

SAVING AND EXCEPTING the West 560 feet of even width of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

ALSO SAVING AND EXCEPTING Tract 2 South of County Road 41G as shown on the Amended Nusbaum Subdivision Exemption Plat filed February 11, 2009, under Reception No. 363620 in the office of the Clerk and Recorder of Saguache County, Colorado;

ALSO SAVING AND EXCEPTING a tract of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  more particularly described as follows:

Beginning at the Northeast corner of the NW $\frac{1}{4}$  of Section 6, Township 41 North, Range 7 East, N.M.P.M.; thence West 608 feet to the True Point of Beginning of the tract herein described; thence West 417.4 feet; thence North 208.7 feet; thence East 417.4 feet; thence South 208.7 feet to the True Point of Beginning;

FURTHER SAVING AND EXCEPTING a tract of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  known and described as Tract 1 of the Deane - Spearman Subdivision Exemption, the Plat of which was filed January 31, 1997, under Reception No. 318322 in the office of the Clerk and Recorder of Saguache County, Colorado;

ALSO FURTHER SAVING AND EXCEPTING Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), and Lot 4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ )

Section 32: S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,

EXCEPT Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ), Lot 6 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ), Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Lot 8 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Lot 9 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ), and Lot 10 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ).

in Saguache County, Colorado.

PARCEL NO. 2:

A tract of land located in the SE $\frac{1}{4}$  of Section 31, Township 42 North, Range 7 East, N.M.P.M., known and described as Tract 1 of the Deane - Spearman Subdivision Exemption, the Plat of which was filed January 31, 1997, under Reception No. 318322 in the office of the Clerk and Recorder of Saguache County, Colorado,

in Saguache County, Colorado.

Together with "an access easement for ingress and egress on existing roadway and to existing irrigation ditches" as reserved by Robert F. Spearman in Warranty Deed dated August 18, 1985, and recorded August 30, 1985, in Book 424 at page 438 of the Saguache County, Colorado, records.

## EXHIBIT "B"

List of water rights owned by L Cross Ranch :

(c:water)

Carnero Creek : Priority	Ditch	CFS amount	Approp Date
1	Omnibus	1.95	April 1869
2	Omnibus	0.78	May 1869
3	Holland	0.78	June 1869
4	Omnibus	1.04	Dec 1869
6	Omnibus	0.52	April 1870
7	Holland	1.04	April 1870
8	Omnibus	1.3	May 1870
9	Shown	0.52	April 1871
10	Shown	0.52	April 1871
11	Shown	0.52	April 1871
12	Holland	0.52	June 1871
13	Holland	1.3	April 1872
14	Shown	0.52	August 1872
14A	Wilson #4	2.08	August 1872
15	Omnibus	0.65	Dec 1872
16	Omnibus	0.39	May 1874
17	La Magotes	1.82	June 1875
18	La Magotes	1.82	Oct 1875
20	Omnibus	0.39	Dec 1875
23	Omnibus	1.04	Oct 1878
24	Omnibus	0.39	May 1879
25	Casias	0.65	June 1879
26	Omnibus	0.65	July 1879
27	Omnibus	0.65	July 1879
28	Omnibus	0.39	Dec 1879
29	Omnibus	0.78	Dec 1879
30	Holland	0.52	April 1880
54	Felton	1.54	
54A	Omnibus	1.3	Dec 1878
54B	Omnibus	1.3	Dec 1878
55	Biehl	1.07	Dec 1879
55A	Omnibus	1	Dec 1879
56	Espinoza	1	April 1882
56A	Torres	1	April 1882
58	Omnibus	1.3	Dec 1883
60B	Omnibus	1	Dec 1884
60 C	Omnibus	1	Dec 1884
60 D	Omnibus	1	Dec 1884
60 G	Shown	3	Dec 1884
60 G	Wilson # 1	4.44	Dec 1884
64	Omnibus	1	Dec 1886
65	Wilson 65	3.64	March 1899
65 A	Suzanna	1	May 1899



69	Martinez Waste	1.04	May 1908
70	Moody Head	6.12	Sept 1908
71	Espinoza	1	Dec 1909
72	Torres	1	Dec 1909
	Holland Enlargement	4	May 1, 1883
	Omnibus Enlargement	12	May 1, 1883
	Biehl Enlargement	3	May 1, 1883
	Shown Enlargement	3	May 1, 1883
	Suzanna Enlargement	3	May 1, 1883
	C Ditch	10	May 1, 1883
	N Ditch	5	May 1, 1883
	White Enlargement	6	May 1, 1883
	Moody Enlargement	4	May 1, 1883

108.28 cfs
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Water rights #5 and # 19 do not belong to L Cross Ranch but are not delivered from the creek. #5 has essentially been abandoned and # 19 has been deemed a futile call. Water rights 31 and 51 do not exist as they have been abandoned or consolidated previously, as well as others.

The previously mentioned water rights are surface rights adjudicated by the courts and are subject to a call on the creek during the summer irrigation season, April 1st thru October 31st.

The following additional water rights were approved by the Water Court in 1995, Case #94 CW 8. These water rights, we call winter water rights, they would prevent anyone coming in above us and depriving us of the winter flows of the creeks. This was a high risk, in my opinion, because of the sub divisions located upstream from the ranch. They are classified as a Recharge rights in that we put the water into the soil to recharge the aquifer during the months of November thru March.

Shown Ditch	5	11/1976-absolute
Omnibus	6	11/1976-absolute
Omnibus	24	5/1994-conditional
Holland	5	11/1976-absolute

40 cfs Winter Recharge water rights
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La Garita Creek : Priority	Ditch	CFS amount	Approp Date
3	Biedel 10	1.04	March 1871
4	Home	1.3	April 1871
5	Home	0.78	May 1871
6	Biedel 10	1.04	May 1871
7	Home	0.65	April 1872
8	Home	0.83	April 1872
10	Biedel 10	1.04	May 1872
13	Biedel 10	1.47	May 1872
15	Biedel 10	1.63	Dec 1873
16	Biedel 10	0.98	Dec 1873
18	Home	1.04	April 1874
20	Home	1.3	Nov 1874
21	Garcia	0.52	May 1875
22	Home	0.78	May 1875
53	Biedel 5 Enlargement	1.3	June 1878
60 E	Biedel 10	7.97	Dec 1884
60 F	Home	13.17	Dec 1884
63	Biedel Extension	2.34	April 1892

39.18 cfs
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The previously mentioned water rights are surface rights adjudicated by the courts and are subject to a call on the creek during the summer irrigation season, April 1st thru October 31st.

The following additional water rights were approved by the Water Court in 1995, Case #94 CW 7. These water rights, we call winter water rights, they would prevent anyone coming in above us and depriving us of the winter flows of the creeks. This was a high risk, in my opinion, because of the sub divisions located upstream from the ranch. They are classified as a Recharge rights in that we put the water into the soil to recharge the aquifer during the months of November thru March.

Biedel 10	9	11/1976-absolute
Biedel 10	21	5/1994-conditional
Home Ditch	9	11/1976-absolute
Home Ditch	21	5/1994-conditional

60 cfs Winter Recharge Rights
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Information on irrigation wells owned by L Cross Ranch :

- Well # 1 :     Adjudicated for 2500 gallons per minute  
                  Registration # 13009  
                  Appropriation date September 11, 1950
- Well # 2 :     Adjudicated for 1800 gallons per minute  
                  Registration # 13010  
                  Appropriation Date --1952
- Well # 3 :     Adjudicated for 1,100 gallons per minute  
                  Registration # - Case # W-459  
                  Appropriation Date -- September 1953
- Well # 4 :     Adjudicated for 2,140 gallons per minute  
                  Registration # - Case # -W-3180
- Well #5 :     Alternate point of diversion from well #4 for 1,000 gpm  
                  Permit # 24009-F

For a total irrigation well adjudication of 7,500 gallons per minute. Three well adjudications were in place prior to 1954. "New" irrigation wells have not been allowed in the San Luis Valley since 1969.

There are approximately 10 domestic wells on the ranch, some have adjudications of up to 50 gpm.