

**After Recording Return to:**

Davis Graham & Stubbs LLP  
Attn: Chris Lane  
1550 17<sup>th</sup> Street, Suite 500  
Denver, Colorado 80202

**QUIT CLAIM DEED**  
**(Water Rights)**

THIS QUIT CLAIM DEED, made this **22<sup>nd</sup>** day of April, 2022, is from **VARRA COMPANIES, INC.**, a Colorado corporation, whose address is 8120 Gage Street, Frederick, Colorado 80516 ("Grantor") to **RAPTOR MATERIALS LLC**, a Delaware limited liability company, whose address is 5960 Berkshire Lane, Suite 900, Dallas, Texas 75225 ("Grantee").

**WITNESS**, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto Grantee and its successors and assigns forever, all right, title, interest, claim and demand which Grantor has in and to the following described conditional water right located in Weld County, State of Colorado:

A total of 3,544 acre-feet of conditional water right for storage in the Kurtz Reservoirs, located in the west half of Section 28, T.3N., R.67W, 6<sup>th</sup> P.M., Weld County Colorado, and decreed in Case No. 01CW274, and continued in Case No. 14CW3026, all in Water Division 1, District Court of the State of Colorado, Weld County.

**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 Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee, its successors and assigns forever.

*[Signature Page Follows]*

**GRANTOR:**

By: Grant Van

Printed Name: Garrett Varr

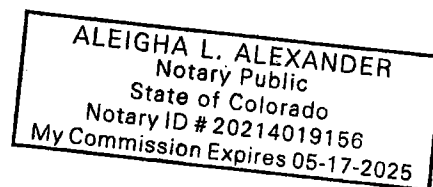
Its: Presidents.

STATE OF COLORADO )  
 ) ss.  
COUNTY OF WELD )

Witness my hand and official seal.

Aligha Alexand  
Notary Public

My commission expires: 05/17/2025



**After Recording Return to:**

Davis Graham & Stubbs LLP  
Attn: Chris Lane  
1550 17th Street, Suite 500  
Denver, Colorado 80202

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is dated April ~~20~~<sup>22</sup>, 2022, and is made by Varra Companies, Inc., a Colorado corporation, with an address of 12618 County Road 13, Longmont, CO 80504 ("Grantor"), and Raptor Materials LLC, a Delaware limited liability company, with an address of 5960 Berkshire Lane, Suite 900, Dallas, TX 75225 ("Grantee").

WITNESS, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Weld, State of Colorado, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Land");

TOGETHER with all and singular 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 Grantor, either in law or in equity, of, in and to the above bargained premises, with the hereditaments, privileges, easements, rights of way and appurtenances, including all right, title and interest of Grantor in (i) all rock, limestone, granite, construction aggregate, crushed stone, sand, gravel, caliche, clay, top soil, or other similar material or substances appurtenant to the Land (collectively, the "Sand and Gravel") and (ii) all oil, gas, natural gas, hydrocarbons and minerals appurtenant to the Land (the "Minerals"), together with any and all surface use, access easements, and all other rights in connection therewith (collectively and together with the Land, the "Property").

RESERVING to the Grantor, its successors and assigns, any and all water and water rights appurtenant to the Property, including any right, title and interest in and to any water, water rights, both tributary and nontributary, reservoirs, ditches and well rights and effluent, used on and in connection with the Property, whether adjudicated or unadjudicated, and including, without limitation, all water court applications, well registration statements and well permits and any and all well equipment or other equipment for the storage, treatment or distribution of water on or in connection with the Property including, without limitation, 3 shares of capital stock in The Last Chance Ditch Company, which shall be reserved by Grantor.

TO HAVE AND TO HOLD the Property with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant,

grant, bargain and agree to and with the Grantee, its successors and assigns, that Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor, subject only to those matters set forth on **Exhibit B**, attached hereto and incorporated herein by this reference (the "**Permitted Exceptions**").

(Signature page follows)

**IN WITNESS WHEREOF**, Grantor has caused its name to be hereunto subscribed on the day and year first above written.

**GRANTOR:**

VARRA COMPANIES, INC.,  
a Colorado corporation

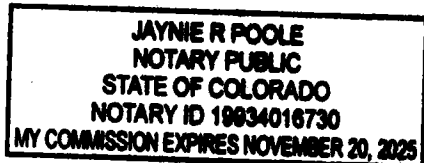
By: Garrett Varr  
Name: Garrett Varr  
Its: President

STATE OF COLORADO )  
COUNTY OF BOULDER ) ss.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2022, by Garrett Varr as President of Varra Companies, Inc., a Colorado corporation.

Witness my hand and official seal.

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



Jaynie R. Poole  
Notary Public

**Exhibit A****Legal Description of the Land****Parcel A:**

The NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , Section 28, Township 3 North, Range 67 West of the 6th P.M., EXCEPT parcels conveyed to Colorado Department of Highways by Deed recorded March 29, 1956 in Book 1446 at Page 402 as Reception No. 1227075, and Except parcel conveyed to Colorado Department of Highways by Deed recorded December 5, 1957 in Book 1491 at Page 146 as Reception No. 1266471, and Except parcel conveyed to Colorado Department of Highways by Deed recorded January 17, 1958 in Book 1494 at Page 159 as Reception No. 1269435, and EXCEPT parcel conveyed to Union Pacific Railroad Company by Deed recorded July 27, 1909 in Book 305 at age 425 as Reception No. 143998, and Except strip of land as conveyed to the Greeley & Northern Railway and Utility Company by Alice M. Montgomery and Elmer L. Montgomery, by instrument recorded May 14, 1906 in Book 234 at Page 130, and EXCEPT strip or parcel of land as conveyed to the Denver, Greeley & Fort Collins Railroad Co. by John Schweisow by instrument recorded January 21, 1907 in Book 251 at Pages 165 and 166, County of Weld, State of Colorado.

**Parcel B:**

The E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 29, Township 3 North, Range 67 West of the 6th P.M., EXCEPT parcel conveyed to Union Pacific Railroad Company by Deed recorded July 27, 1909 in Book 305 at Page 425 as Reception No. 143998, being more particularly described as follows:

A strip, piece or parcel of land 200 feet in width, being 100 feet in width on each side of the center line of the main track of said railroad as the same has been surveyed located and staked out, through, upon, over and across the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 29, Township 3 North, Range 67 West of the 6th P.M., ALSO EXCEPTING THEREFROM a tract of land conveyed to the Department of Highways by Deed recorded March 30, 1956 in Book 1446 at Page 402, being more particularly described as follows:

A tract of land in the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of Section 29, Township 3 North, Range 67 West of the 6th P.M., said tract or parcel being particularly described as follows:

Beginning at a point on the East line of Section 29, Township 3 North, Range 67 West, from which the Northeast corner of Section 29 bears N  $0^{\circ}27'$  W, a distance of 155.0 feet;

Thence along the existing Southerly right of way line of S.H. No. 66, S  $63^{\circ}23'$  W, a distance of 59.1 feet;

Thence along the existing Southerly right of way line of S.H. No. 66, N  $88^{\circ}01'$  W, a distance of 289.1 feet;

Thence along the existing Southerly right of way line of S.H. No. 66, N  $66^{\circ}59'$  W, a distance of 327.8 feet;

Thence N  $89^{\circ}24'$  W, a distance of 2,820.0 feet;

Thence N  $78^{\circ}05'30''$  W, a distance of 102.0 feet to a point on the existing right of way line of S.H. No. 66;

Thence along the existing southerly right of way line of S.H. No. 66, N  $89^{\circ}24'$  W, a distance of 366.6 feet to a point on the West line of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 29;

Thence along the West line of the NE ¼ of the NW ¼ of Section 29, N 0°07' W, a distance of 30.0 feet to the Northwest corner of the NE ¼ of the NW ¼ of Section 29;

Thence along the North line of Section 29, S 89°24' E, a distance of 3,928.7 feet to the Northeast corner of Section 29;

Thence along the East line of Section 29, S 0°27' E, a distance of 155.0 feet, more or less, to the Point of Beginning.

ALSO EXCEPTING THEREFROM a tract of land conveyed to PSF Associates, a Partnership, by Deed recorded February 1, 1982 in Book 960 as Reception No. 1881830, being more particularly described as follows:

A tract of land located in the N ½ of Section 29, Township 3 North, Range 67 West of the 6th P.M., being more particularly described as follows:

Beginning at the West one-quarter corner of said Section 29; thence along the West line of the NW ¼ N 00°09'33" E, 1629.26 feet; thence S 88°57'19" E, 325.70 feet; thence N 00°27'02" E, 968.23 feet to a point on the South right-of-way line of State Highway Number 66; thence along said right-of-way line and parallel with the North line of said Section 29; S 89°16'24" E, 1345.02 feet; thence S 83°33'47" E, 100.50 feet; thence S 89°16'24" E, 2811.44 feet to a point on the centerline of the Saint Vrain Creek; thence along said centerline the following courses:

S 32°02'38" W, 746.93 feet; S 58°58'54" W, 467.97 feet; S 84°39'45" W, 864.41 feet; S 54°56'04" W, 495.22 feet to a point on the South line of the NE ¼ of the NW ¼ of said Section 29; thence leaving said centerline N 89°19'51" W, 1214.89 feet to the Northwest one-sixteenth corner; thence along the East line of the SW ¼ of the NW ¼ of said Section 29, S 00°01'35" W, 781.80 feet to a point on the centerline of the Saint Vrain Creek; thence along said centerline the following courses:

S 70°04'05" W, 392.85 feet; S 22°45'17" W, 312.81 feet; S 07°42'17" W, 107.98 feet to a point on the South line of the N ½ of said Section 29, thence N 89°23'17" W, 810.53 feet to the Point of Beginning, County of Weld, State of Colorado.

**Exhibit B**

**Permitted Exceptions**

1. Right of Way for County Roads 30 feet on either side of Section and Township lines, as established by the Board of County Commissioners for Weld County, recorded October 14, 1889 in Book 86 at Page 273.  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

2. Reservations contained in the Patent:

From: The United States of America  
Recording Date: February 19, 1906  
Recording No: Book 131 at Page 153

3. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below:

Recording Date: July 24, 1947  
Recording No.: Reception No. 1010939.  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

4. Terms, conditions, provisions, agreements and obligations contained in the Order by Platteville Fire Protection District as set forth below:

Recording Date: May 5, 1953  
Recording No.: Reception No. 1154226

5. All of the right, title and interest in and to any oil, gas or other hydro-carbon substances and other minerals as conveyed in Deed as set forth below:

Recording Date: May 11, 1959  
Recording No.: Reception No. 1304304  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

6. Any effect of the Map of the Kurtz Pump Irrigation System recorded at Reception No. 1259597.  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

7. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below:

Recording Date: April 30, 1962  
Recording No.: Reception No. 1380240  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.



8. Terms, conditions, provisions, agreements and obligations contained in the Petition and Order as set forth below:

Recording Date: September 23, 1956  
Recording No.: Reception No. 1495360

9. Terms, conditions, provisions, agreements and obligations contained in the Right of Way Easement as set forth below:

Recording Date: May 19, 1967  
Recording No.: Reception No. 1503626

10. Terms, conditions, provisions, agreements and obligations contained in the Right of Way Easement as set forth below:

Recording Date: May 19, 1967  
Recording No.: Reception No. 1503647  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

11. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, and any and all assignments thereof or interests therein.

Recording Date: March 19, 1970  
Recording No: 1544075

12. All right, title and interest in and to any oil, gas or other hydro-carbon substances and other minerals as conveyed in Mineral Deed recorded April 11, 1972 at Reception No. 1587400 and 1587401.

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

13. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, and any and all assignments thereof or interests therein.

Recording Date: July 1, 1974  
Recording No: Reception No. 1639747

14. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, and any and all assignments thereof or interests therein.

Recording Date: July 1, 1974  
Recording No: Reception No. 1639758

15. Terms, conditions, provisions, agreements and obligations contained in the Right of Way Grant as set forth below:

Recording Date: February 23, 1976

Recording No.: Reception No. 1681862

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

16. Terms, conditions, provisions, agreements and obligations contained in the Northern Colorado Water Conservancy District Removal of Allotment from Lands Conveyed for Right-of-Way purposes as set forth below:

Recording Date: February 19, 1975

Recording No.: Reception No. 1654379

17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Panhandle Eastern Pipe Line Company

Purpose: Pipelines

Recording Date: April 5, 1984 and re-recorded November 15, 1984

Recording No: Reception No. 1961821 and re-recorded at Reception No. 1988615.

18. Terms, conditions, provisions, agreements and obligations contained in the Notice by Panhandle Eastern Pipe Line Company concerning underground facilities as set forth below:

Recording Date: June 26, 1986

Recording No.: Reception No. 2058722

19. Terms, conditions, provisions, agreements and obligations contained in the Notice concerning underground facilities of United Power, Inc. as set forth below:

Recording Date: January 24, 1991

Recording No.: Reception No. 2239296

20. All oil, gas and/or mineral rights as conveyed in Personal Representative's Deed recorded June 26, 1991 at Reception No. 2254400.

21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Resource Gathering Systems, Inc.

Purpose: Pipelines, power lines and appurtenances

Recording Date: January 29, 1993

Recording No: Reception No. 2320029.

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

22. Terms, conditions, provisions, agreements and obligations contained in the Easement and Surface Use Agreement as set forth below:

Recording Date: January 29, 1993

Recording No.: Reception No. 2320031

23. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Grant as set forth below:

Recording Date: December 9, 1994  
Recording No.: Reception No. 2418564

24. Terms, conditions, provisions, agreements and obligations contained in the Easement Deed as set forth below:

Recording Date: January 26, 1996  
Recording No.: Reception No. 2473409  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

25. Any interest in all oil, gas and other mineral rights granted by the Grant, Bargain Sale Deed as set forth below, and any and all assignments thereof or interests therein:

Recording Date: November 20, 1995  
Recording No.: Reception No. 2464357.

26. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a Right-of-Way Grant:

Granted to: Resource Gathering Systems, Inc.  
Purpose: Pipelines, power lines and appurtenances  
Recording Date: September 3, 1997  
Recording No.: Reception No. 2566742.  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

27. Terms, conditions, provisions, agreements and obligations contained in the Separate Closing Agreement as set forth below:

Recording Date: July 20, 1998  
Recording No.: Reception No. 2627002.

28. Any interest in oil, gas and other mineral rights (but excepting sand and gravel) and reservation of the right to continued use of all water conveyance structures to convey water from Last Chance Ditch headgate, all as reserved in the Warranty Deed as set forth below, and any and all assignments thereof or interests therein:

Reserved by: Elverna Burchfield, Trustee of the Elverna Burchfield Living Trust and Sherry Redmond fka Sherry Rose  
Recording Date: July 20, 1998  
Recording No.: Reception No. 2627004.

29. The effect of Map recorded December 7, 1999 at Reception No. 2737157

30. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Grant as set forth below:

Recording Date: December 22, 1999

Recording No.: Reception No. 2740050

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

31. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Grant as set forth below:

Recording Date: December 22, 1999

Recording No.: Reception No. 2740051

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

32. Terms, conditions, provisions, agreements and obligations contained in the Agreement Concerning Construction, Operation, and Maintenance of Irrigation Facilities as set forth below:

Recording Date: January 5, 2001

Recording No.: Reception No. 2817555.

33. Terms, conditions, provisions, agreements and obligations contained in the Notice of Oil and Gas Interests and Surface Use as set forth below:

Recording Date: January 24, 2001

Recording No.: Reception No. 2821222

34. Terms, conditions, provisions, agreements and obligations contained in the Order as set forth below:

Recording Date: March 27, 2006

Recording No.: Reception No. 3373560

35. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below:

Recording Date: May 25, 2004

Recording No.: Reception No. 3183163

36. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Department of Transportation, State of Colorado.

Purpose: Construction and maintenance of embankment and embankment protection

Recording Date: December 28, 2006

Recording No.: Reception No. 3444152.

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

37. All matters shown on the Map of Department of Transportation State of Colorado Right of Way Plan Proposed Federal Aid Project No. STA 0661-009 recorded June 12, 2008 at Reception No.

3560248. As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

38. Terms, conditions, provisions, agreements and obligations contained in the Findings and Decree as set forth below:

Recording Date: September 29, 2010  
Recording No.: Reception No. 3721790

39. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Grant as set forth below:

Recording Date: January 28, 2011  
Recording No.: Reception No. 3747727  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

40. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Grant as set forth below:

Recording Date: January 28, 2011  
Recording No.: Reception No. 3747731  
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

41. Terms, conditions, provisions and obligations contained in the Findings and Decree recorded April 15, 2013 at Reception No. 3924748.

42. All notes, site development standard and site development requirements as set forth on the Plat – MUSR11-0001 recorded February 8, 2012 at Reception No. 3823871.

43. The effect of map by Department of Transportation, State of Colorado recorded October 28, 2014 at Reception No. 4057238 and at Reception No. 4057239

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

44. Any right, title or interest of the general public, the State of Colorado and/or the United States in and to the bed and banks of St. Vrain River together with such adjoining land as may be used or useful in connection with the use or maintenance of that River. As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

45. Any right, title or interest of the general public, the State of Colorado and/or the United States in and to the bed and banks of the Last Chance Ditch and Seep Drainage Ditch together with such adjoining land as may be used or useful in connection with the use or maintenance of those Ditches. As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors, recorded March 18, 2022 at Reception No. 4811073.

46. Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the Land.

47. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: 2021337

Dated: January 27, 2022

Prepared by: Lat40°, Inc. Professional Land Surveyors

Recording Date: March 18, 2022

Recording No.: Reception No. 4811073

Matters shown: numerous well heads, production facility equipment and plugged & abandoned wells located on property; right of way for County Road 17 through property; right of way for St. Vrain creek, Last Chance ditch, concrete ditches and unnamed ditches through property; fence lines do not coincide with all property lines; Unrecorded Thornton permanent and temporary waterline easements through property.