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Carol Tullis Clerk/Recorder, Montezuma County, Co

Tract No. COC- 74581

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SPECIAL WARRANTY DEED
(Water Rights)

THE CONSERVATION FUND, a Maryland non-profit corporation, hereinafter called Grantor, whose address is 1655 North Fort Myer Driver, Suite 1300, Arlington, Virginia 22209-3199 Attention: General Counsel, does hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA and its assigns, as authorized by Section 205 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1715), the following described real property situated in the County of Montezuma, State of Colorado, to wit:

1. 0.03333 cfs (1/30th cfs), absolute, decreed to Rock Creek Ditch for irrigation use – appropriation date March 20, 1888 (Priority No. 1); adjudication date August 14, 1962 in District Court for and within the County of Montezuma and State of Colorado, Civil Action 1077. The decreed point of diversion is located at a point on the north bank of McElmo Creek, a natural stream of the State of Colorado, from which it derives its supply of water, whence the northwest corner of Section 36, Township 36 North, Range 18 West, N.M.P.M., bears North 15 degrees 16 minutes East 1375 feet.
2. Colorado Division of Water Resources Well Permit Number 281118, which authorizes diversion of 10 gallons per minute for ordinary household purposes inside one single family residence and for fire protection. Date of first beneficial use is claimed as December 31, 1900. The authorized point of diversion is located in the NW¼ NE¼, Section 34, Township 36 North, Range 16 West, New Mexico P.M., 8 feet from the north section line and 1324 feet from the East Section line.

INCLUDING ALL DITCHES, DITCH RIGHTS-OF-WAY, AND ALL RIGHTS TO AND INTEREST IN DITCHES AND DITCH RIGHTS-OF-WAY; ALL STRUCTURES FOR DIVERTING AND CONVEYING WATER APPURTENANT TO, ASSOCIATED WITH OR USED IN CONNECTION WITH THE ABOVE DESCRIBED WATER RIGHTS FOR THE PROPERTY DESCRIBED IN EXHIBIT A.

The acquiring agency is the Bureau of Land Management, United States Department of the Interior.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power, and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except as shown of record, and that it will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of any person whomsoever claims the same or any part

Re-recording to correct legal description

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thereof by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this Deed is hereby executed by Grantor this 13th day of December, 2010.

GRANTOR:

THE CONSERVATION FUND
a Maryland non-profit corporation

By: 

Its: ASSISTANT SECRETARY

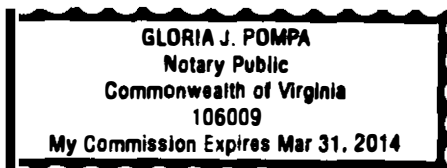
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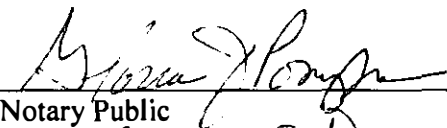
COMMONWEALTH OF VIRGINIA)
) ss.
COUNTY OF ARLINGTON)

On this 13th day of December, 2010, before me the undersigned, a Notary Public in and for the jurisdiction aforesaid, personally appeared Elizabeth Eagle as Assistant Secretary, of The Conservation Fund, a Maryland non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was his/her act and deed for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)




Notary Public
Name GLORIA J. POMPA
Notary Registration Number 106009

My commission expires: 3/31/14

A tract of land in the NE/4 of Section 34, Township 36 North, Range 18 West, N.M.P.M., being more particularly described as follows:

Beginning at a point in the NE/4 of Section 34, from which point the NE Corner of said Section 34 bears East a distance of 677.78 feet; thence West a distance of 1397.22 feet; thence South a distance of 92.74 feet to the North right of way line of McElmo Canyon Road; thence North 89 degrees 01 minutes 02 seconds East a distance of 83.66 feet along the North right of way line of McElmo Road; thence North 87 degrees 53 minutes 18 seconds East a distance of 310.22 feet along the North right of way line of McElmo Road; thence North 88 degrees 21 minutes 43 seconds East a distance of 156.02 feet along the North right of way of McElmo Road; thence South 89 degrees 16 minutes 05 seconds East a distance of 96.29 feet along the North right of way line of McElmo Road; thence South 87 degrees 04 minutes 59 seconds East a distance of 156.02 feet along the North right of way line of McElmo Road; thence North 89 degrees 39 minutes 01 seconds East a distance of 160.55 feet along the North right of way line of McElmo Road; thence North 83 degrees 30 minutes 56 seconds East a distance of 150.79 feet along the North right of way of McElmo Road; thence South 88 degrees 00 minutes 00 seconds East a distance of 330.60 feet along the North right of way line of McElmo Road; thence North 11 degrees 25 minutes 00 seconds East a distance of 76.60 feet to the point of beginning.

AND

A tract of land in the NE/4 of Section 34, Township 36 North, Range 18 West, N.M.P.M., being more particularly described as follows:

Beginning at the NE Corner of said Section 34; thence West a distance of 677.78 feet; thence South 11 degrees 25 minutes 00 seconds West a distance of 76.60 feet to the North right of way of McElmo Road; thence South 88 degrees 00 minutes 00 seconds East a distance of 114.10 feet along the North right of way line of McElmo Road; thence North 89 degrees 45 minutes 00 seconds East a distance of 203.00 feet along the North right of way line of McElmo Road; thence South 86 degrees 05 minutes 59 seconds East a distance of 362.10 feet along the North right of way line of McElmo Road; thence South 77 degrees 31 minutes 00 seconds East a distance of 15.00 feet along the North right of way of McElmo Road; thence North a distance of 106.00 feet to the point of beginning.

Less and Except any portion of subject property lying in or being used as a public road way.

County of Montezuma,
State of Colorado.

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(2010-10-040.PFD/2010-10-040/48)