

NOTICE OF DEMAND TO REMOVE PROPERTY REFERENCES

To: State of Colorado

136 State Capitol Denver, CO

Attention: Governor Hickenlooper

Reference: Prior Appropriations doctrine

From: Larry & Mary Starck

1906 State Hwy 60

Loveland, CO 80537

Lawrence H and Mary F. Starck, the undersigned, also known as Private Property Owners, are landowners with properties located in the Township 4 North, Northeast Quarter of Section 5, Range 68 West of the 6th P.M. in the County of Weld, near Loveland in the state Colorado (hereafter known as Said Property).

It has been brought to our attention that the State of Colorado as Water appropriator or owner (hereafter known as State), has allegedly included Said Property in Plans for proposed uses, including a proposal to allow Water, by diversion or artificial means, to physically surface and run on Said Property, and through voiced intentions, public media, prospectuses and certain other papers.

So that there is no misunderstanding, we want to make it clear that State has never received Private Property Owners permission to include Said Area in such Plans. By allowing Water to surface and run on Said Area, you are needlessly disturbing and encumbering Owners from rightful usage of Owners private property; encumbrance has additionally placed a cloud on Said Area and clearly violated Owners private property rights.

Due to Water, Private Property Owners have now been negatively impacted by State's plans, as well as through the loss of income and damage to property and other valuable environmental resources on Said Area. We therefore provide this letter to serve as a formal demand that, within thirty (30) days of receiving this letter, State physically remove/drain Water from Said Property and Plans.

Because Undersigned did not give any permission whatsoever to any party, including State, to allow Water to surface and run on the Said Area properties of the undersigned, in addition to the physical removal/drainage of Water, we demand that State erase and delete any reference to Water on Said Property that could be construed as meeting with Owners approval.

Because the undersigned are not employed by State and have no knowledge of its specific plans or intentions, the undersigned are to be held harmless and totally exempt from any liabilities whatsoever that may result from any representation whatsoever State may have made to any persons as pertains to Said Area.

In keeping with our State and Federal Constitutional rights to acquire, possess and protect my private property, we hereby demand that you file a certified letter with the clerk and assessor of Weld County, clearly documenting your complete removal/drainage of Water from our property.

Having valuable knowledge of this area, we do have willingness to share doable solutions, with the only expectation that State commit to acknowledging appropriation (such as a well) and cost of execution.


Should State choose not to comply with our demand, we will exercise our right to seek remedy via liens, seizures or other legal actions, as may be appropriate and provided by law. Should your non-compliance result in Private Property Owners action to remove/drain Water from Said Area or pursue legal action, you will be charged any and all associated costs – including legal fees, court costs, accrued administrative fees, gasoline, and labor costs at the rate of \$55.00 per hour.

As Property Owners of Said Area, we expect receipt of documentation within six (6) business days following receipt of this Demand Notice, confirming that the State of Colorado has received said Notice. We further expect confirmation within thirty-one (31) days that the Project and its allied organizations have met all terms of this Notice.

Finally, as Property Owners, we want to make it clear that exercising our right to assess possible future fees does not waive our right to collect any accrued past fees Constitutionally defined as compensable.

Signed Laurence H. Stauck Date 9-27-11

Signed Mary Stauck Date 9/27/11

Notary Seal  EXPIRES: 4/5/2015

Cc: Weld County Commissioners, Legislative delegation, Colorado Attorney General