

C&G Alpine Partners  
The Aerie Silverton  
4245 CR 110  
Silverton, Colorado 81433

Date: November 6, 2022

To: San Juan County  
Attn: Lisa Adair, Planning Director and William Tookey, County Administrator  
1360 Greene St.  
Silverton, Colorado 81433

Applicant: C&G Alpine Partners, LLC  
Nick Croce  
[Nick@TheAerieSilverton.com](mailto:Nick@TheAerieSilverton.com)  
970-450-7241

**Subject: Additions of a Winter Parking Area and a Multi-Use Pond to  
Improvement Permit # 2020-01**

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Lisa Adair and William Tookey,

This submittal has been prepared by owner/applicant, Nick Croce, of C&G Alpine Partners LLC and The Aerie Silverton LLC, requesting approval of a Land Use Application for a winter guest parking area and the addition of a multi-use pond to the existing improvement permit (#2020-01) for The Aerie Silverton lodge project, currently under construction.

C&G Alpine Partners is currently constructing The Aerie Silverton, a year-round mountain adventure lodge located approximately 4 miles north of Silverton on CR 110. We have been working with numerous engineers and hydrologists over the last several years to develop the property's access and utility infrastructure in such a way as to provide the most efficient, reliable and safe experience for guests and staff alike.

## 1. Winter Parking:

Access to The Aerie lodge is located on the east side of CR 110, just north of Minnesota Gulch, which is a known avalanche path. As such, it is not safe for guests to park on Aerie property within this avalanche zone during winter months. As an alternative, we have contacted the owner of the adjacent Anglo Saxon mining claim, Mr. Lloyd Swartz who has agreed to grant a parking easement on his property (see attached "**Exhibit A: Agreement for Parking Easement**"). The final permanent easement will be surveyed and recorded with SJC prior to use of the parking area.

The proposed parking area is at the very northern end of the Anglo Saxon property, on the east side of CR 110, approximately 1,400 ft. south of The Aerie access driveway (See "**Exhibits B & C: Winter Parking Map & Winter Parking Map Detailed**"). The area is outside of the Minnesota Gulch avalanche runout zone and has good line of sight in both directions. It is already relatively flat and is free of vegetation. It is outside of the 80' county road right-of-way and is well above the Cement Creek 100yr flood plain (resides at the same elevation as the county road, see attached "**Exhibit D: FEMA Flood Plain Map**"). These factors make this an ideal location for lodge guests to park their vehicles during the winter season. We have already discussed this location as a potential winter parking area with the County Road and Bridge Supervisor, Louie Girodo, who agreed, it would work well and did not express any concerns. There will be no additional burden on the County Road and Bridge Department as Aerie staff would be responsible for plowing the parking area and for any seasonal maintenance/grading work that is needed. The area would be clearly identified as "Aerie Guest Parking" using some form of signage, to be approved by the County. We feel this location provides the ideal scenario with guest vehicles being parked in a safe location while also providing guests easy access to their vehicles during their stay at the lodge.

## 2. Multi-Use Pond:

A multi-use pond is being proposed, located on Aerie private property, known as Parcel A (formerly known as the Hidden Treasure and Wildcat claims). This pond would provide highly beneficial water storage for several possible uses such as; firefighting purposes, augmentation water and wildlife/aquatic habitat.

The pond would be located toward the north end of the former Wildcat claim, on the east side of CR 110 and east of Cement Creek. This location has been assessed by Ecosphere

Environmental for wetland and other aquatic features. None were found to be present (see **Exhibit G** “Ecosphere Site Review Letter”). The maximum pond size would be approximately 6,600 square feet in a narrow, oblong shape. At 4 feet deep, it could hold approximately 197,000 gallons of water (see **Exhibit E**, “Overall Site Plan”). The pond would be filled using a pump in our gallery well storage tank, which taps very good quality Cascade Creek water, during high-flow peak runoff season. This feature would be attractive to various wildlife species for new habitats.

**Exhibit F**, “C&G Water Rights – Draft Notice of Intent”, details the plan we are pursuing to make absolute a part of the Animas Service Area Water Right under the 2006 decree 06CW0127. Given unprecedented and ongoing drought conditions, the pond, if constructed to maximum potential size, would be capable of replacing our domestic water depletions at a rate of 306 GPD for nearly two years. The final pond size is to-be-determined and will likely be smaller than 6,600 square feet, but, nonetheless, this pond would provide an important layer of protection against a downstream call on the Animas River, making our overall water rights strategy more robust and ensuring the lodge can continue to operate even in extreme drought.

We are respectfully requesting that this submittal be considered at the next planning board/Board of County Commissioners meetings.

Thank you for your time and consideration. Please contact Nick Croce, C&G Alpine Partners LLC with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Croce', with a stylized, cursive flourish at the end.

Nicholas Croce  
C&G Alpine Partners, LLC  
970-450-7241  
Nick@TheAerieSilverton.com



**LAND USE PERMIT**  
San Juan County, Colorado

<b>Applicant:</b> Nick Croce / C&G Alpine Partners LLC	<b>Permit No.</b>
<b>Address:</b> PO Box 69	
<b>City and State:</b> Setauket, NY 11733	<b>Telephone:</b> 970-450-7241

\*\*\*\*\*

<p><b>Description of Use:</b> Proposed parking area, approx 40ft wide by 150ft long, to be used by Aerie Silverton guests during winter months (November through May) on the Anglo Saxon Placer property, owned by Lloyd and Esther Swartz. The parking area will not require any excavation but could require some gravel fill for grading/drainage. The area is mostly free of vegetation, therefore no tree or shrub removal is required. A single metal sign indicating that the parking area is on private property and for use by Aerie guests, or county road and bridge emergency use, only is also being proposed. Aerie staff will keep the parking area plowed, pushing snow off the embankment, toward the Cement Creek drainage using a pickup truck or snowcat, both of which will be parked on Aerie property. There will be no additional burden on the county road and bridge department.</p>
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<p><b>Dates and Times of Use:</b> Seasonally, November through May, 24hrs per day, 7 days per week.</p>
<p><b>Location of Use:</b> North end of Anglo Saxon Placer. Approx 4 miles north of Silverton on the east side of CR 110, outside the country road right-of-way.</p>

\*\*\*\*\*

Areas of Concern:     Applicant should provide attachments for each relevant area  
Land Use Administrator will initial approval if appropriate

- |                          |                                     |
|--------------------------|-------------------------------------|
| Property Ownership _____ | Permission of Property Owner _____  |
| Vicinity Map _____       | Plans and Drawings _____            |
| Natural Hazards _____    | Zoning Compatibility _____          |
| Sanitation _____         | Environmental Impacts _____         |
| Building Permit _____    | Federal and /or State Permits _____ |
| Security _____           | Emergency Services _____            |
| Parking _____            | insurance Coverage _____            |
| Clean Up _____           | County Road Impact _____            |
| Other _____              | Other _____                         |

<b>Date Application Submitted:</b> November 22, 2022	<b>By (signature):</b> <i>Nicholas Croce</i>
<b>Date Permit Issued:</b>	<b>By (signature):</b>
<b>Conditions</b>	
<b>Acceptance of Conditions:</b>	<b>By (signature):</b>

SAN JUAN COUNTY, COLORADO  
DRIVEWAY AND ROAD ACCESS PERMIT

Improvement  
Permit No. \_\_\_\_\_

Applicant: Nick Croce / C&G Alpine Partners LLC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Proposed Driveway or Access on County Road No. 110 :

North end of Anglo Saxon Placer, approx 4 miles north of Silverton on the east side of CR 110.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Proposed Driveway or Access, including materials to be used:

Proposed parking area providing access to CR 110 - adjacent and parallel to the county road right-of-way,  
therefore no driveway is required/proposed.  
Parking area may require some gravel fill for grading/drainage.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment and Recommendations of County Road Supervisor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Terms and Conditions of Issuance of Permit (or reason for denial):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit Approved \_\_\_\_\_ or Denied \_\_\_\_\_. Date: \_\_\_\_\_

Land Use Administrator: \_\_\_\_\_

## SIGN PERMIT

No. \_\_\_\_\_

SAN JUAN COUNTY, COLORADO

Applicant Nick Croce / C&G Alpine Partners LLC		Date Nov 22, 2022
Address PO Box 69 Setauket, NY 11733		Phone 970-450-7241
Property Owner (If Other Than Applicant) Lloyd and Esther Swartz		
Address 35 Canoncito Rd NE Albuquerque, NM 87122		Phone 505-252-0915
Property Description Anglo Saxon Placer - Parcel # 47750310040009		
Existing Signs On Property None		Square Footage
Proposed Location Of New Sign(s) North end of property, east side of CR 110		
Type of Sign(s) <input checked="" type="checkbox"/> Free Standing <input type="checkbox"/> Projecting <input type="checkbox"/> Wall <input type="checkbox"/> Window <input type="checkbox"/> Awning		
Material Metal	Size 24" x 36"	Square Footage 6 sq ft

## Drawing and Description

Private Property  
 Parking for Aerie  
 Guests Only  
 November - May

A metal rectangular sign indicating the parking area is on private property, for use by Aerie lodge guests only. (November through May)

Permit: <input type="checkbox"/> Issued <input type="checkbox"/> Denied	Reason For Denial
Fees Paid	Restrictions
Date	Land Use Administrator

State Documentary Fee  
\$37.00 10-17-2022

154617  
Page 1 of 1  
SAN JUAN COUNTY, COLORADO  
LADONNA L. JARAMILLO, RECORDER  
10-17-2022 08:10 AM Recording Fee \$13.00

**SPECIAL WARRANTY DEED**

**THIS DEED**, Made this 14<sup>th</sup> Day of October, 2022

Between **TRANVAAL PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY and ANGLO SAXON PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY**

of the County of Tulsa and State of Oklahoma, grantor

and **LLOYD O. SWARTZ and ESTHER M. SWARTZ**

whose legal address is 35 Canoncito Rd NE  
Albuquerque, NM 87122

of the County of Bernalillo and State of New Mexico, grantee

State Documentary Fee  
Date: 10/14/2022  
\$ 37.00

**WITNESSETH**, That the grantor for and in consideration of the sum of  
-----TEN DOLLARS AND OTHER GOOD AND 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 the grantee, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of San Juan and State of Colorado described as follows:

**TRACT I:**  
The **ANGLO-SAXON PLACER, ANGLO-SAXON #1, ANGLO-SAXON # 2, ANGLO-SAXON # 3, ANGLO-SAXON #4, ANGLO-SAXON #5, and ANGLO-SAXON # 7 LODES, Mineral Survey No. 16687 and the MONARCH LODE, Mineral Survey No. 884, Animas Mining District, San Juan County, Colorado.**

**LESS AND EXCEPT** any portion of the above named mining claim, within overlapping senior mining claims whether excepted or not in the patent for the above described Lodes Mining Claims.

**TRACT II:**  
The **FREYA, MIDNIGHT SUN, RUBY and TRANVAAL LODES, Mineral Survey No. 17255, Animas Mining District, San Juan County, Colorado.**

**LESS AND EXCEPT** any portion of the above named mining claim, within overlapping senior mining claims whether excepted or not in the patent for the above described Lodes Mining Claims.

TOGETHER WITH ANY AND ALL WATER, WATER RIGHTS, DITCH, DITCH RIGHTS APPERTAINING TO THE  
As known by street and number as: **TBD CR 110** PROPERTY DESCRIBED ABOVE.  
**Silverton, CO 81433**

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto 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, their heirs and assigns forever. The grantor, for itself, its successors does covenant, and agree that the grantor shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the grantor, except: 2022 taxes due and payable in the year 2023. Subject to Statutory Exceptions as defined in CRS § 38-30-113(5).

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.

**TRANVAAL PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY**

BY: Thomas A. Warlick  
**THOMAS A. WARLICK, MANAGER**

**ANGLO SAXON PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY**

BY: Thomas A. Warlick  
**THOMAS A. WARLICK, MANAGER**

STATE OF OKLAHOMA  
COUNTY OF TULSA

The foregoing instrument was acknowledged before me this 10 Day of October, 2022

By: **THOMAS A. WARLICK AS MANAGER FOR TRANVAAL PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY and ANGLO SAXON PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY**

My commission expires:

Witness my hand and official seal

Loni Strength  
Notary Public

SPECIAL WARRANTY DEED (To Joint Tenants)



Sbaao3133



# Exhibit A

## PRELIMINARY AGREEMENT FOR PARKING EASEMENT

This Agreement is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between Lloyd Swartz, owner of the Anglo Saxon Placer, Parcel #47750310040009, (“Swartz”) and C&G Alpine Partners, owner of the Properties known as the Wild Cat Lode USMS No. 16993 and the Hidden Treasure Lode USMS No. 19018 (“C&G”).

WHEREAS, C&G is in the process of constructing a lodge on its properties for commercial use as a bed and breakfast or lodge for use by visitors to the area in both summer and winter; and

WHEREAS, C&G is desirous of acquiring additional parking space beyond what is available on its properties for use by its guests at the lodge;

WHEREAS, Swartz is amenable to providing C&G with a parking easement on his property under certain terms and conditions that are mutually agreeable;

NOW, THEREFORE, the parties agree as follows:

1. Swartz will grant C&G a parking easement located generally as depicted in Exhibit A on the northernmost end of the Anglo Saxon parcel. The number of spaces available will be mutually agreed upon by the parties. The parking easement will provide additional parking for guests at the lodge owned by C&G and operated by Aerie Silverton, LLC.
2. C&G will provide whatever rock/gravel/fill is in excess of what is needed for the parking area to Swartz at no cost in exchange for the easement. If sufficient surplus rock/gravel/fill is not available to meet the needs of Swartz for his access road/driveway construction, C&G will provide a payment to Swartz to fairly compensate for the easement, such amount to be mutually agreed upon by the parties.
3. The parties agree that use of the parking easement by lodge guests will not be done in a manner that impedes or blocks access by Swartz to the Anglo Saxon property, specifically parking will not be permitted that blocks the existing driveway/access on the north end of the Anglo Saxon parcel.
4. Swartz will retain the right to access his property, specifically from the existing driveway/access on the north end of the property.
5. The easement will be limited to the months of December through April.
6. C&G and Aerie Silverton, LLC will be responsible for all plowing and maintenance of the parking area.
7. C&G agrees to pay for recording costs, survey, drafting and other costs associated with developing and recording the new easement in the records of San Juan county, Colorado.
8. C&G will indemnify Swartz from any claims for damages to vehicles or persons resulting from use of the parking easement.

9. The parties intend that this preliminary agreement will serve as the basis for a final easement to be granted and the terms and conditions of that easement.

The Parties indicate their adoption of this Preliminary Agreement for Parking Easement by their signatures below.

C&G Alpine Partners

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By:

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Lloyd Swartz

**Exhibit B - Winter Parking Map**

Aerie Lodge

Avy Zone

Aerie Winter  
Parking

Anglo  
Saxon

Avy Zone



# Aerie Winter Parking

Parking area is on Anglo Saxon private property and is outside of the CR 110 right-of-way

# Exhibit C - Winter Parking Detailed

**Legend**  
● (Aerie)



Anglo Saxon Property Line

Private Property Wildcat Claim

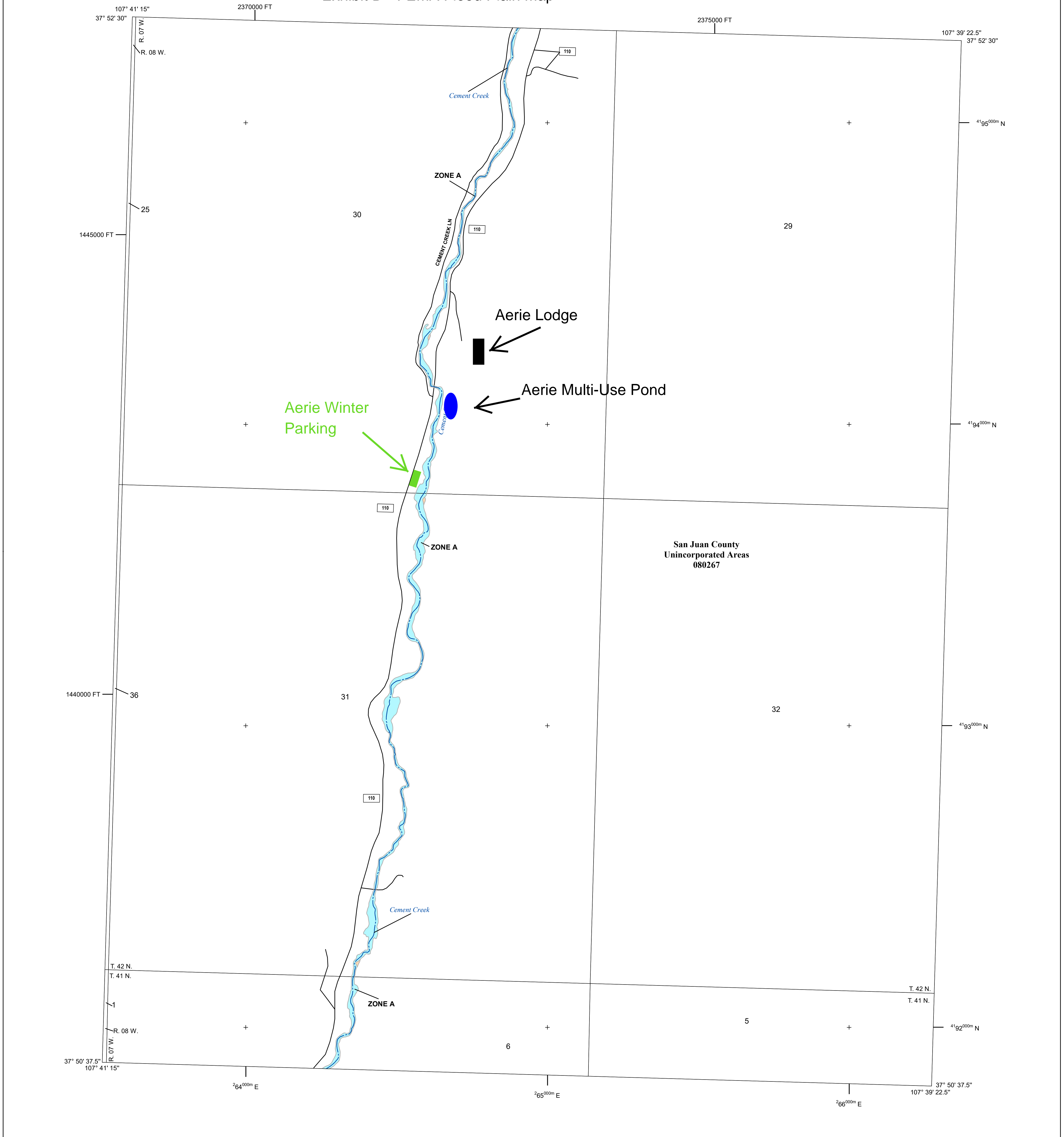
CR 110 ROW  
40' from center

110

Aerie Parking Area



# Exhibit D - FEMA Flood Plain Map



## FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT  
**THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)**

<b>SPECIAL FLOOD HAZARD AREAS</b>	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
<b>OTHER AREAS</b>	NO SCREEN Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
<b>GENERAL STRUCTURES</b>	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
<b>OTHER FEATURES</b>	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

## NOTES TO USERS

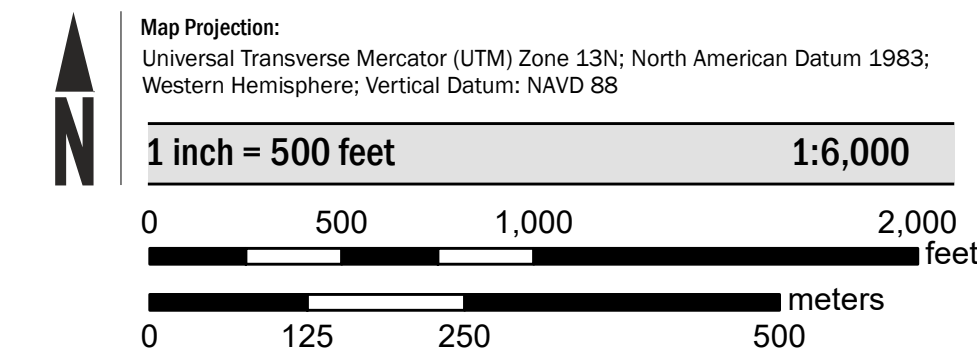
For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance exchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

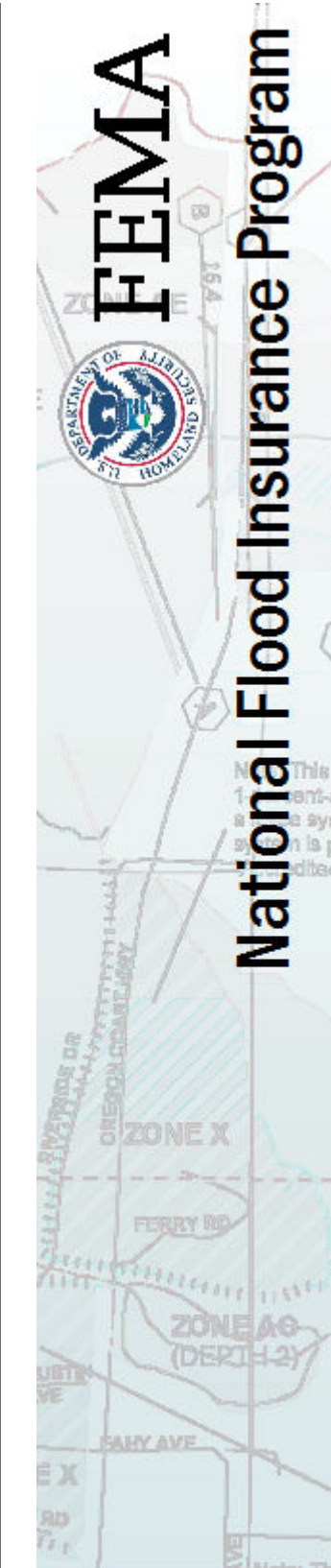
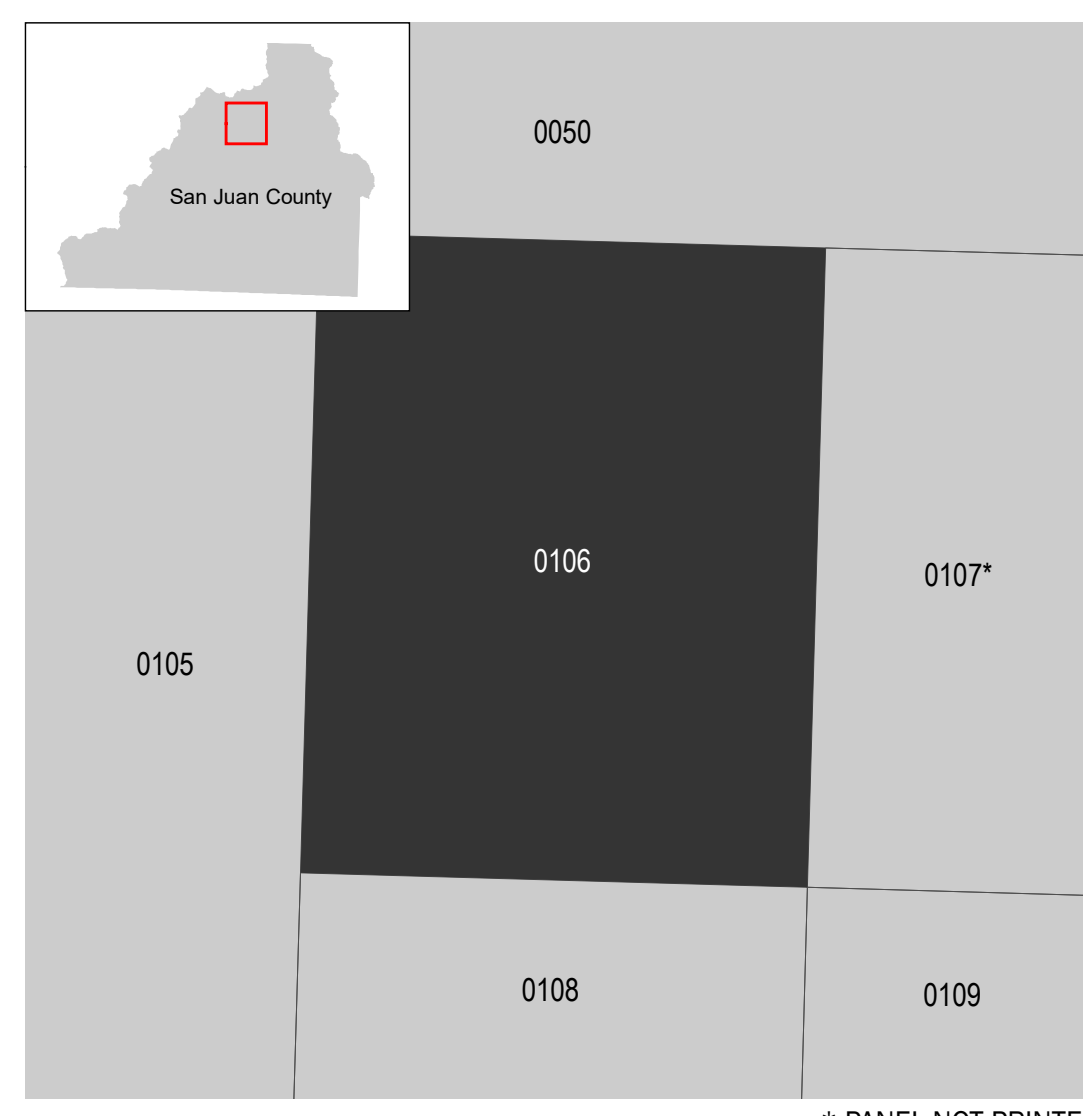
For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was derived from U.S. Census Bureau TIGER files, the U.S. Geological Survey, and the San Juan County GIS Department, dated 2019, and the U.S. Department of Agriculture, dated 2016.

## SCALE



## PANEL LOCATOR



NATIONAL FLOOD INSURANCE PROGRAM  
 FLOOD INSURANCE RATE MAP

SAN JUAN COUNTY, COLORADO  
 and Incorporated Areas

PANEL 106 OF 300



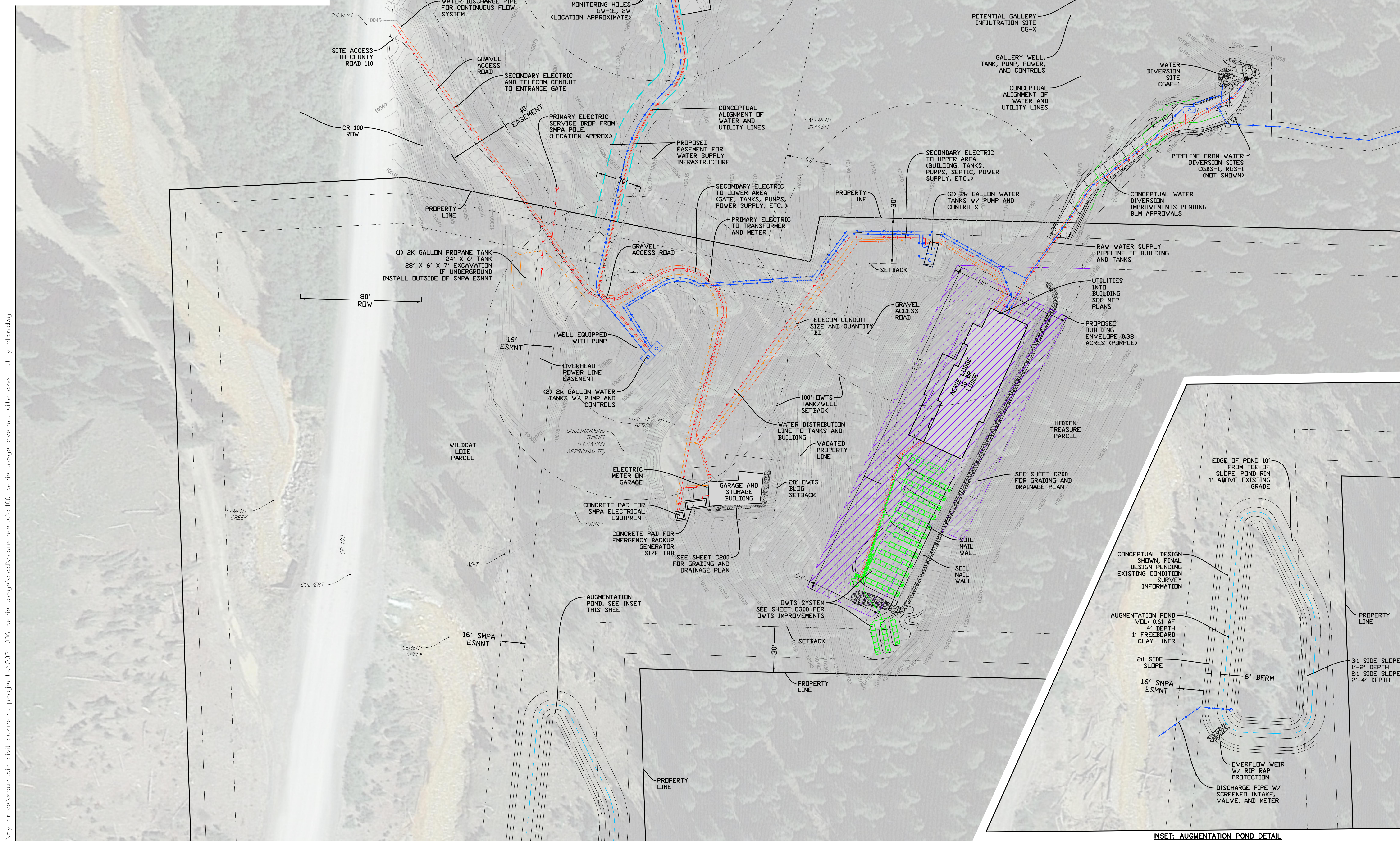
COMMUNITY	NUMBER	PANEL	SUFFIX
SAN JUAN COUNTY	080267	0106	C

**PRELIMINARY**  
 1/18/2021

VERSION NUMBER  
 2.6.4.6  
 MAP NUMBER  
 08111C0106C  
 EFFECTIVE DATE

- SITE AND UTILITY PLAN NOTES**
- CONTRACTOR SHALL OBTAIN REQUIRED PERMITS FOR CONSTRUCTION FROM SAN JUAN COUNTY OR STATE OF COLORADO AS REQUIRED.
  - ALL UTILITY WORK SHALL MEET SAN JUAN COUNTY, STATE OF COLORADO, OR UTILITY PROVIDER REQUIREMENTS. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO UTILITY INSTALLATION.
  - ARCHITECTURAL, STRUCTURAL, LANDSCAPE DESIGN IS BY OTHERS.
  - PROPERTY AND EXISTING CONDITION SURVEY INFORMATION SHOWN ON THE SITE PLAN IS PROVIDED BY SOUTHWEST LAND SURVEYING INC. SEE CONSOLIDATION MAP MS 16993 WILD CAT LOT AD MS 19018 HIDDEN TREASURE LODE FOR ADDITIONAL PROPERTY INFORMATION.
  - MINE TUNNEL AND ADIT APPROXIMATE LOCATION SHOWN FROM CONSOLIDATION MAP. FIELD CONDITIONS MAY VARY.

**Exhibit E - Overall Site Plan**



Revisions:	#	DATE	DESCRIPTION

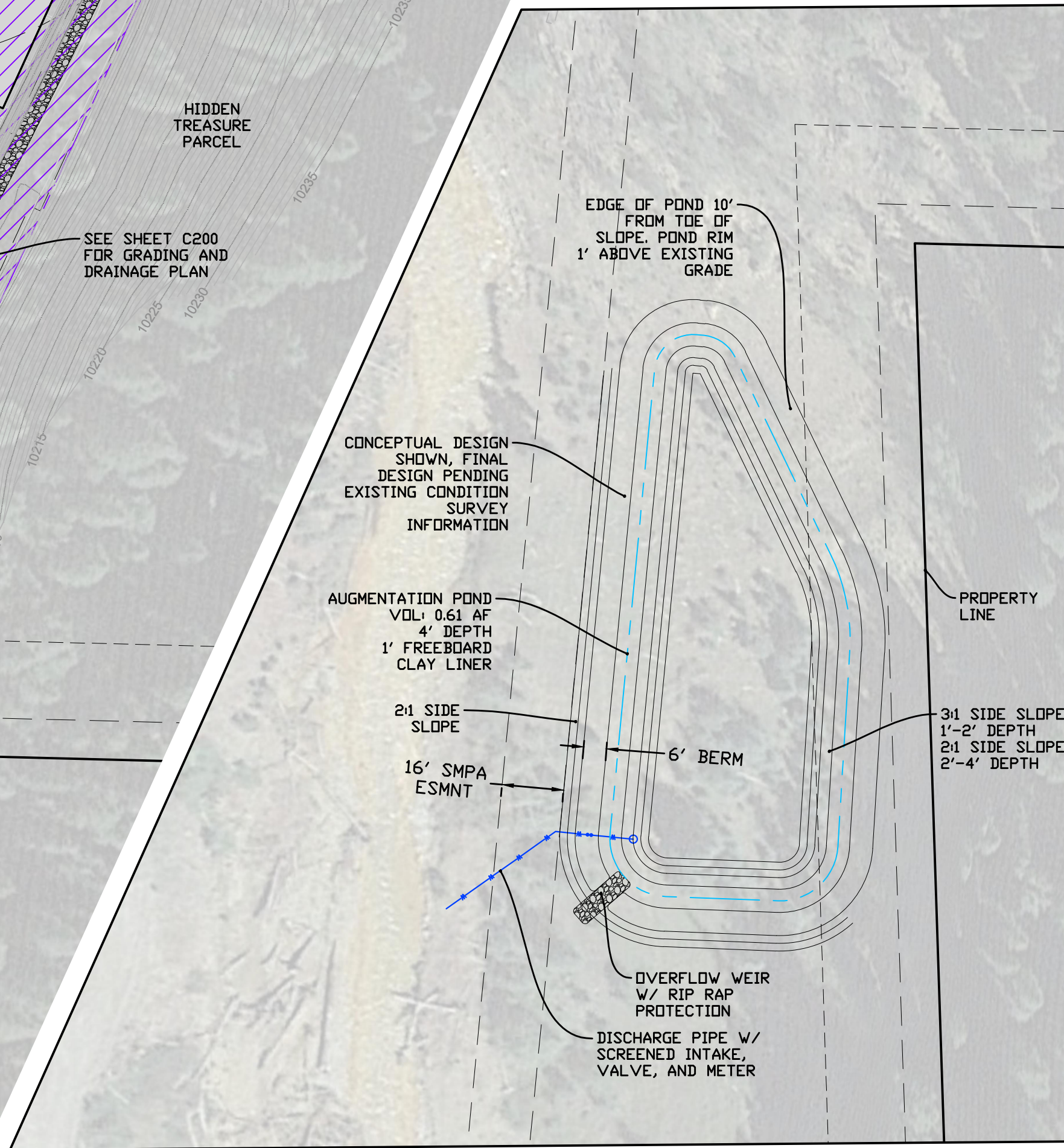
**AERIE LODGE  
OVERALL SITE AND UTILITY PLAN  
SAN JUAN COUNTY, CO**



712 Eagle Pass  
Durango, CO 81301  
970-946-3175

**PLAN NO.  
C100**

Project: AERIE LODGE  
Date: 10/7/22  
Drawn By: ABR  
Checked By:  
FOR CONSTRUCTION



**INSET: AUGMENTATION POND DETAIL**

g:\ny drive\mountain\_civil\_current\_projects\2021-006\_aerie\_lodge\cadd\plansheets\c100\_aerie\_lodge\_overall\_site\_and\_utility\_plan.dwg

# Exhibit F

## Notice of Intent to Make Absolute

N.O.I. # \_\_\_\_\_  
(Assigned by SWCD)

The below identified applicant hereby notices its intent to make absolute an increment of the Animas Service Area conditional water right decreed in **Case No. 06CW127** consistent with the terms and conditions decreed therein. Use additional pages as needed.

### **Applicant Information:**

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

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(The approved NOI will be mailed to this address)

### **Prospective Water Right Increment Information:**

Proposed Use of Water (e.g. domestic, irrigation, commercial):

Proposed Source (groundwater, surface water):

Proposed Place of Use (include parcel # if possible):

Anticipated Amount of Depletions (number of acres irrigated, stock use, domestic surface area, and pond evaporation, etc. in the time periods per the 06CW127 decree):

The applicant is advised and recognizes that the execution of this Notice of Intent to Make Absolute confers no right, title, or interest in water beyond the right to perfect an increment of the Animas Service Area conditional water right consistent with the decree in Case No. 06CW127.

Applicant is hereby given authority by Southwestern Water Conservation District and La Plata County to file an application to make the conditional water right absolute pursuant to the terms and conditions in Case No. 06CW127. The Southwestern Water Conservation District and La Plata County reserve the right to file opposition to such claim if deemed necessary.

\_\_\_\_\_  
**Signed for the Applicant, (Title)**

\_\_\_\_\_  
**(Date)**

\_\_\_\_\_  
**Printed Name**

**Governmental Endorsements:**

\_\_\_\_\_  
**La Plata County**

\_\_\_\_\_  
**(Date)**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**SWCD**

\_\_\_\_\_  
**(Date)**

\_\_\_\_\_  
**Printed Name**



**C&G Alpine Partners LLC**  
**Addendum to DWR Notice of Intent to Make Absolute**  
**October 18, 2022**

**Proposed Use of Water**

Two uses/water right structures as follows: (1) Commercial and domestic use associated with a bed and breakfast resort development (The Aerie Silverton) with a maximum occupancy of 24 persons; (2) small augmentation pond approximately 6600 square feet surface area.

**Proposed Source**

(1) POD for resort (Ajax Well) will be alluvial groundwater from Cascade Gulch, tributary to Cement Creek, tributary to the Animas River. If issues arise in the year-round use of the POD, alternate PODs were identified (Aerie Falls, Springs, and Hidden Treasure) to address the issue if necessary, all of which are tributary to Cascade Gulch and shown in the attached map. (2) the foregoing PODs will also be used to fill the Pond along with a surface water pump on Cement Creek.

# Exhibit G



Durango, CO  
Pagosa Springs, CO  
Albuquerque, NM  
Farmington, NM

---

November 6, 2022

Nick Croce  
Aerie Silverton

Sent via email: [nick@theaeriesilverton.com](mailto:nick@theaeriesilverton.com)

**RE: Augmentation Pond Site Review**

Dear Nick:

This letter summarizes the findings of Ecosphere's site assessment of a proposed water augmentation pond on The Aerie Silverton property immediately east of County Road 110. The area evaluated was approximately ½-acre and characterized as an alluvial bench perched 2-5 feet above Cement Creek. There is an existing electric utility line and two-track maintenance road that extends across the parcel. The land is flat with small patches of trees and shrubs with grassy openings. Tree and shrub cover is estimated at 30 percent of the area. There are no wetlands or other aquatic features (i.e. creeks or springs) on the bench.

The location is of sufficient size to provide The Aerie Silverton with alternative design sizes and configurations.

Please feel free to contact me if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Fitzgerald", is written in a cursive style.

Mike Fitzgerald

Principal