

Summary of Bent Tree Covenants Regarding Water

Prepared April 2007, BTPOA

Filings 1 & 2:

From Section 4. BUILDING LOCATION:

No trees may be removed other than under the provisions of Paragraph 9 hereof, and the lots shall be maintained in their natural state as nearly as possible, except that a reasonably sized lawn and garden, not to exceed two thousand (2000) square feet may be planted around the house.

From Section 8. WATER AUGMENTATION PLAN REQUIREMENTS:

D. The Declarant is hereby authorized to administer and enforce, or contract for administration and enforcement of, the augmentation plan for BENT TREE under the terms of said plan and shall be reimbursed by the BTPOA for the costs thereof. Among other things, the decree requires that an annual survey be made of the actual irrigated acreage upon each lot in BENT TREE, as permitted in paragraph 4, hereof, and that annual reports be made to the Division Engineers of Water Divisions 1 and 2. Each owner shall provide to the appropriate administering authority the information necessary to enable the reports to be filed in a timely manner.

Filing 3:

From Section 4. BUILDING LOCATION:

No trees may be removed other than under the provisions of Paragraph 10 hereof, and the lots shall be maintained in their natural state as nearly as possible, except that a reasonably sized lawn and garden, not to exceed two thousand (2000) square feet may be planted around the house.

From Section 8. WATER AUGMENTATION PLAN REQUIREMENTS:

D. The Declarant is hereby authorized to administer and enforce, or contract for administration and enforcement of, the augmentation plan for BENT TREE under the terms of said plan and shall be reimbursed by the BTPOA for the costs thereof. Among other things, the decree requires that an annual survey be made of the actual irrigated acreage upon each lot in BENT TREE, as permitted in paragraph 4, hereof, and that annual reports be made to the Division Engineers of Water Divisions 1 and 2. Each owner shall provide to the appropriate administering authority the information necessary to enable the reports to be filed in a timely manner.

Filing 4&5:

From Section 4. BUILDING LOCATION:

No trees may be removed other than under the provisions of Paragraph 10 hereof, and the lots shall be maintained in their natural state as nearly as possible, except that a reasonably sized lawn and garden, not to exceed two thousand (2000) square feet may be planted around the house.

From Section 8. WATER AUGMENTATION PLAN REQUIREMENTS:

C. Pursuant to the original augmentation plan, eleven (11) swimming pools are permitted in BENT TREE, all filings. Tract owners shall make written application to Declarant or ACC, if applicable, for a permit to construct a swimming pool, designating the size, the amount of water to be impounded and the date of construction. On a first-come, first-served basis, Declarant shall review the submission and approve or disapprove the pool. Construction of an approved pool must be commenced within nine (9) months of approval and must be completed within twelve (12) months. Approvals shall automatically expire on (1) year from the date thereof. Each pool must be individually metered to enable annual determination of the actual number of gallons of water used. After approval and construction of eleven (11) swimming pools, the ACC shall deny any further applications, unless and until an amended augmentation plan is approved allowing the construction of more than eleven (11) pools. No swimming pools are provided for on Lots 197 through 232.

D. The Declarant is hereby authorized to administer and enforce, or to contract for administration and enforcement of, the augmentation plan for BENT TREE under the terms of said plan and shall be reimbursed by the BTPOA for the costs thereof. Among other things, the decree requires that an annual survey be made of the actual irrigated acreage upon each lot in BENT TREE, as permitted in paragraph 4, hereof, and that annual reports be made to the Division Engineers of Water Divisions 1 and 2. Each owner shall provide to the appropriate administering authority the information necessary to enable the reports to be filed in a timely manner.

F. The BTPOA is tasked with administration and enforcement of water augmentation plans for Bent Tree. For that reason as well as the many benefits as property owner's association can provide, every lot owner must belong to the BTPOA with its concomitant financial obligations and participate as a cohesive group. Membership is not optional, it is obligatory and runs with the land.

G. No changes or deletions to this Paragraph 8 may be made which may alter or in any manner compromise the water augmentation plans or the water rights of either Declarant or BTPOA or the BENT TREE lot owners, except by order of the applicable Water Court.

H. Water Meters with an accessible exterior read-out shall be required on each water well installed on Lots 197 through 232. It is the responsibility of such well owners to read their meters and submit amount of water used in form and frequency (normally annually) in compliance with the supplemental augmentation plan.