



Water Resources and Water Quality Report

High Forest Estates Subdivision Filing No. 1

Project No. 61188

September 2, 2026

PCD File No. SF2512

Prepared for
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Introduction

The following report describes the water supply to serve two (2) residential lots on 13.81 acres located within the southwest one-quarter of Section 10, Township 11 South, Range 65 west of the 6th principal meridian in El Paso County, Colorado (Subject Property). The proposed subdivision (High Forest Estates Subdivision Filing No. 1) includes two (2) residential lots that are approximately 5 acres and 8.81 acres in size. Each of the two (2) lots in the subdivision is to be provided water and sewer services through an individual well and On-site Wastewater Treatment System (OWTS). The sufficiency and quality of water resources are described in this report. This report is based on the decree entered in Case No. 20CW3077, Water Division 1 (consolidated with Division 2 Case No. 20CW3027) (Decree/copy attached) as facilitated by Monson, Cummins, Shohet & Farr, LLC, attorneys at law. The aforementioned document decreed the Dawson aquifer groundwater, along with the Denver, Arapahoe, and Laramie-Fox aquifers' groundwater, underlying the Subject Property, and approves a plan for augmentation for use of up to three (3) wells in the Dawson aquifer to serve each lot for a 300 year water supply period. Donohoo Well No. 1, as referenced in the decree, currently exists and is permitted under Permit No. 79072-F. One (1) well (Donohoo Well No. 2) is proposed following platting of the property into two lots. No wells other than the existing Donohoo Well No. 1 and the proposed Donohoo Well No. 2 are planned for this subdivision.

The applicants and their successors and assigns will comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in District Court Case No. 20CW3077. They will also comply with requirements of Water Supply Review and Recommendations of the Office of the County Attorney as they are incorporated into the land use approvals for this project.

Amounts Decreed and Available

The decreed amount of Dawson aquifer groundwater is not-nontributary. The decreed amount of Denver aquifer groundwater, Arapahoe aquifer groundwater and Laramie-Fox Hills aquifer groundwater are nontributary. The referenced decree sets forth withdrawal amounts based on 100-year aquifer life and the El Paso County required 300-year aquifer life. The following annual amounts are decreed and are based on annual withdrawals over a 300-year period (one acre-foot is 325,851 gallons).

Annual withdrawals of currently constructed Donohoo Well No. 1 (proposed Lot 2) from the Dawson aquifer (not-nontributary) shall not exceed 1.6 acre feet (521,362 gallons), nor more than 1230 acre feet total. Annual withdrawals of the to-be-constructed Donohoo

Well No. 2 (proposed Lot 1) from the Dawson aquifer (not-nontributary) shall not exceed 1.6 acre feet (521,362 gallons), nor more than 1230 acre feet total.

The decree entered in Case No. 20CW3077, Water Division 1 states the maximum total volume of 3.2 acre feet for a proposed development of 3 lots and adds that “should fewer than three lots be developed on Applicants' Property, each well thereon shall be entitled to withdraw its proportional share of the total 3.2 acre feet available” which equates to 1.6 acre feet for each of the two proposed lots. The State or Division Engineer shall curtail the pumping of more than those amounts from the Dawson aquifer.

A copy of the Decree entered in Case No. 20CW3077 is attached in the appendix, including the following specific quantities of water anticipated to be available for and utilized in the High Forest Estates subdivision:

AQUIFER	Annual Average Withdrawal – 100 Years (Acre Feet)	Annual Average Withdrawal – 300 Years (Acre Feet)	Total Withdrawal (Acre Feet)
Dawson (NNT)	12.3	4.1	1,230
Denver (NT)	9.1	3.0	910
Arapahoe (NT)	6.3	2.1	630
Laramie-Fox Hills (NT)	3.8	1.26	380

Water Supply

The residential lots will be served by individual, not nontributary Dawson aquifer wells to be permitted and to operate pursuant to an augmentation plan as approved in the Decree. Up to three (3) potential are assumed in the Decree, however, the subject property will be subdivided into two (2) lots. Although a rate of 0.25 acre foot per residence per year is assumed for household use in the 20CW3077 decree, El Paso County regards rates below 0.26 acre foot per year to be insufficient. The state standard rate of 0.3 acre foot per residence per year has been assumed for household use in this report, adjusting the remaining uses accordingly. The Decree allows the existing Dawson aquifer well (Donohoo Well No. 1) to withdraw 1.6 acre-feet per year and the proposed Dawson aquifer well (Donohoo Well No. 2) to withdraw 1.6 acre-foot per year, for 300 years for the following uses:

Currently constructed Donohoo Well No. 1 (Lot 2) – Well Permit No. 79072-F	
In-house use	0.3 acre-feet per year
Irrigation use	1.06 acre-feet per year limited to irrigation of 8500 square feet of lawn or garden

Stock-watering use	0.24 acre-feet per year limited to watering 8 horses or equivalent livestock (no more than 4 head of livestock per lot)
Total amount over 300 years = $300 \times 1.6 =$ 480 acre-feet	
Total decreed Dawson aquifer water = 1230 acre-feet	

To be constructed Donohoo Well No. 2 (Lot 1)	
In-house use	0.3 acre-feet per year
Irrigation use	1.06 acre-feet per year limited to irrigation of 8500 square feet of lawn or garden
Stock-watering use	0.24 acre-feet per year limited to watering 8 horses or equivalent livestock (no more than 4 head of livestock per lot)
Total amount over 300 years = $300 \times 1.6 =$ 480 acre-feet	
Total decreed Dawson aquifer water = 1230 acre-feet	

The water supply for the residential lots using two (2) Dawson aquifer wells pursuant to the augmentation plan approved in the referenced Decree is sufficient and satisfies the 300-year supply requirement of El Paso County.

Wastewater and Wastewater Treatment

A detailed geotechnical, soils and wastewater report was prepared for this subdivision by Entech Engineering, Inc. dated November 2, 2022. The report provides a summary of individual On-site Wastewater Treatment System (OWTS) to be utilized. The site currently contains one existing engineered on-site wastewater treatment system on Lot 2 that will remain. The site has been evaluated for an additional on-site wastewater treatment system to be located on Lot 1 by Entech Engineering, as described in their report. Based on such evaluation, the site is suitable for on-site wastewater treatment systems.

Septic projections are based on similar Denver Basin residential uses on rural residential lots. Average daily wastewater loads are expected to be approximately 241 gallons per day per single family residence. Maximum daily wastewater loads are expected to be approximately 268 gallons per day per single family residence, all assuming residential in-house use at the 0.3 acre foot per year rate described in the decree.

All single-family homes within the High Forest Estates subdivision will be served by individual on-site wastewater treatment systems. The new on-site wastewater treatment system for Lot 1 will be evaluated and installed according to El Paso County and State

Guidelines and properly maintained to prevent contamination of surface and subsurface water resources.

Augmentation

Consistent with the Plan for Augmentation decreed in Water Division 1 Case No. 20CW3077, it is anticipated that each single-family residence will utilize a maximum of 1.6 annual acre feet of water through individual wells, with total demand for both lots estimated at a maximum of 3.2 annual acre feet. Of this pumping, it is anticipated that 0.3 annual acre feet will be utilized for in-house residential purposes, with the remainder of pumping available for other uses authorized under the augmentation plan.

A plan for augmentation utilizing the underlying Denver Basin aquifers has been decreed by the District Court, Water Division 1, in Case No. 20CW3077. As particularly described in the attached Decree, a 300-year water supply is demonstrated in the Dawson aquifer, with all depletions augmented in time, place and amount through septic return flows during pumping, and through dedication of nontributary groundwater in the Arapahoe and Laramie-Fox Hills aquifers for replacement of injurious post-pumping depletions. Applicants shall reserve all of their nontributary Laramie-Fox Hills aquifer water (380 acre-feet) and up to 610 acre-feet of their nontributary Arapahoe aquifer water (subject to the 2% relinquishment requirement) for the replacement of post-pumping depletion.

Rural residential water supply demand will be met using not-nontributary Dawson formation wells, consistent with the plan for augmentation decreed in Case No. 20CW3077. Only one of the proposed two wells which will ultimately provide water supply to the lots at the High Forest Estates subdivision has been drilled, to date.

The augmentation plan decreed in Case No. 20CW3077 will provide for a 300-year water supply for each of the anticipated lots within the High Forest Estates subdivision, with each lot utilizing an OWTS of a non-evaporative nature. The water resources to be utilized in the subdivision are typical to 5-acre rural residential development near the Black Forest and other parts of rural northeastern El Paso County, Colorado. The plan for augmentation decreed in Case No. 20CW3077 demonstrates a sufficient quantity and reliability of water to support compliance with El Paso County's 300-year water supply rules for subdivisions of this nature.

Water Quality

M.V.E., Inc. has examined water quality testing results for the existing Donohoo Well No. 1 (permit No. 79072-F) located on the subject property. Testing for the required

contaminants was performed by the Colorado-certified testing laboratories, Colorado Analytical Laboratories, Inc. and Hazen Research, Inc. The examined reports contain tests for each of the required contaminants for a confined aquifer in accordance with the Land Development Code of El Paso County (LDC). M.V.E. Inc. compared the test results to the Maximum Contaminant Level (MCL) for each substance and found the results to be within acceptable levels in accordance with El Paso County standards contained in the LDC. Copies of those testing results are collectively attached hereto as Exhibit E.

So as to ensure compliance with LDC Section 8.4.7(B)(3)(d), and all provisions of the LDC Section 8.4.7(B)(10), a full spectrum water quality testing on said well was obtained, including chemical analysis (see LDC Section 8.4.7(B)(10)(a)), testing against all applicable MCL's established by the EPCPH (see LDC Section 8.4.7(B)(10)(b)), and analysis of all major ions (see LDC Section 8.4.7(B)(10)(c)). The water samples were drawn from the closest available outdoor spigot connected to the State of Colorado permitted well of the Dawson Aquifer at 8855 Walker Road, Colorado Springs on 9/12/22. Said samples were collected by a professional representative of M.V.E., Inc pursuant to instructions provided by Colorado Analytical Laboratories, Inc., who likewise assisted in maintaining a proper chain of custody on all such samples (see LDC Section 8.4.7(B)(10)(d)). All samples tested by Colorado Analytical Laboratories were obtained from the Dawson aquifer at an existing well on the project site and within ½ mile (see LDC Section 8.4.7(B)(10)(e)).

In accordance with LDC Section 8.4.7(B)(3)(d)(3), the owner has identified no unusual or atypical on-site or off-site sources of potential contamination, which is likely to, or has the real potential to, contaminate the confined Dawson aquifer from which the owner's source water is to be obtained. The requested subdivision of the subject property into approximately 5-acre and 8.81-acre parcels is typical of the region, as is the proposed water source. Potential contaminates would be non-compliant or poorly located septic systems (which will not be permitted within the subdivision), hazardous material spills, and sources of contamination contrary to existing law and regulation, and beyond the owner's control. Barring such misfeasance or malfeasance, the owner does not believe any on or off-site hazards of note exist.

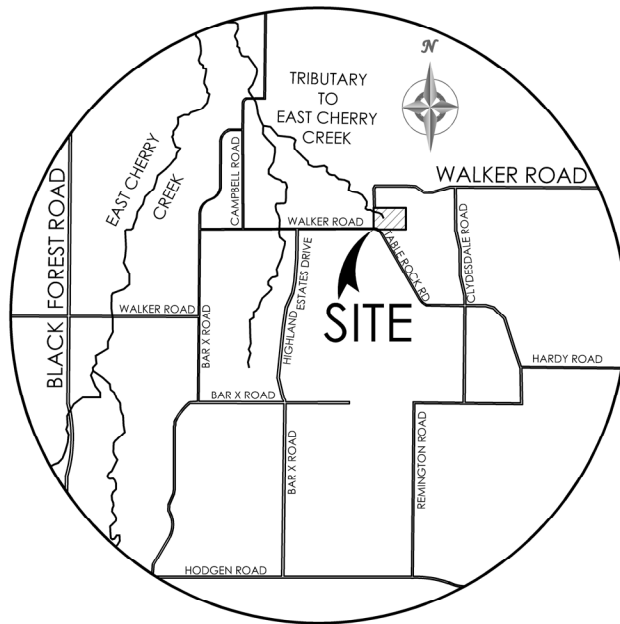
Based on these findings we recommend that the El Paso County Public Health and El Paso County Attorney's office make a finding of sufficiency for water quality for the High Forest Estates Subdivision final plat. The newly constructed well (Donohoo Well No. 2) will meet all such regulatory requirements regarding quality testing before being utilized as a residential water source.

Appendix

Exhibit A	Vicinity Map
Exhibit B	Water Decree (Water Division 1 Case No. 20CW3077)
Exhibit C	Well Permit (Permit No. 79072-F)
Exhibit D	Water Supply Information Summary (Form No. GWS-76)
Exhibit E	Water Quality Testing Results
Exhibit F	Change in Owner Name Forms (Form No. GWS-11)
Exhibit G	Well Permit Application (Forms No. GWS-25 and GWS-44)

Appendix

Exhibit A Vicinity Map



VICINITY MAP

NOT TO SCALE

Appendix

Exhibit B Water Decree (Water Division 1 Case No. 20CW3077)

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Electronically Recorded Official Records El Paso County CO
Chuck Broerman, Clerk and Recorder
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DISTRICT COURT, WATER DIVISION 1, CO	
Court Address: 901 9 th Avenue, P.O. Box 2038 Greeley, CO 80632 Phone Number: (970) 475-2510	DATE FILED: February 25, 2021 6:34 AM CASE NUMBER: 2020CW3077
CONCERNING THE APPLICATION FOR WATER RIGHTS OF:	▲ COURT USE ONLY ▲
PAULA B. DONOHOO, MARDELLE L. FRAZIER, AND BRIAN D. FRAZIER	Case No.: 20CW3077 (Ref. 99CW119) (consolidated with Division 2 Case No. 20CW3027 pursuant to Order of Panel on Multi-District Litigation 20MD15)
IN EL PASO COUNTY	
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE	

THIS MATTER comes before the Water Referee on the application filed by Paula B. Donohoo, Mardelle L. Frazier, and Brian D. Frazier on June 23, 2020. Having reviewed said application and other pleadings on file, and being fully advised on this matter, the Water Referee makes the following findings and orders:

FINDINGS OF FACT

1. The applicants in this case are Paula B. Donohoo, Mardelle L. Frazier, and Brian D. Frazier, whose address is 8855 Walker Rd., Colorado Springs, CO 80908 ("Applicants"). Applicants are the owners of the land totaling approximately 13.81 acres on which the structures sought to be adjudicated herein are and will be located, and are the owners of the place of use where the water will be put to beneficial use.
2. The Applicants filed this Application with the Water Courts for both Water Divisions 1 and 2 on June 23, 2020. The Applications was referred to the Water Referees in both Divisions 1 and 2 on or about June 23, 2020.
3. The time for filing statements of opposition to the Application expired on the last day of August 2020. No Statements of Opposition were timely filed.
4. A Motion for Consolidation of the Division 1 and Division 2 cases into Water Division 1 was filed with the Colorado Supreme Court on September 2, 2020. The Panel on Consolidated Multidistrict Litigation certified the Motion for Consolidation to the Chief Justice on September 4, 2020. Chief Justice, Nathan B. Coats, granted the Motion for Consolidation by Order dated October 6, 2020.
5. On June 23, 2020, the Division 2 Water Court, on Motion from Applicants, ordered

that consolidated publication be made by only Division 1. On or near June 23, 2020, the Water Court, Division 1 ordered that publication occur in *The Transcript* within El Paso County.

6. The Clerk of this Court has caused publication of the Application filed in this matter as provided by statute and the publication costs have been paid. On July 20, 2020 proof of publication in *The Transcript* was filed with Water Court Division 1. All notices of the Application have been given in the manner required by law.

7. Pursuant to C.R.S. §37-92-302(4), the office of the Division Engineer for Water Division No. 1 filed its Summary of Consultation Report dated September 30, 2020, and a Response to the Summary of Consultation Report was filed by the Applicants on October 6, 2020. Both the Summary of Consultation Report and Response have been considered by the Water Referee in the entry of this Ruling.

8. The Water Court has jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated groundwater basin.

GROUNDWATER RIGHTS

9. The Applicants requested the adjudication of underground water rights for the Donohoo Well Nos. 1 through 3, as constructed and as may be constructed to the Dawson aquifer, and additional or replacement wells associated therewith for withdrawal of Applicants' full entitlements of supply under the revised plan for augmentation decreed herein. The following findings are made with respect to such underground water rights:

10. The land overlying the groundwater subject to the adjudication in this case is owned by the Applicants and consists of approximately 13.81 acres located in the SW¼ of Section 10, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado, as more particularly described as Lot 1, Block 7, Willow Springs Estates, also known as 8855 Walker Rd, Colorado Springs, CO, 80908. Applicants intend to subdivide the property into up to three (3) lots. All groundwater adjudicated herein shall be withdrawn from the overlying land.

11. In accordance with the notice requirements of C.R.S. § 37-92-302, lienholders of the Applicants' property were sent a Letter of Notice dated June 23, 2020. A Certificate of Notice was filed with the District Court, Water Divisions 1 and 2, on January 31, 2019.

12. Donohoo Wells Nos. 1 through 3: Donohoo Well Nos. 1 through 3 will be located on the Applicants' Property. Applicants are awarded the vested right to use Donohoo Well Nos. 1 through 3, along with any necessary additional or replacement wells associated with such structures, for the extraction and use of groundwater from the not-nontributary Dawson aquifer pursuant to the Revised Plan for Augmentation decreed herein. Upon entry of this decree and submittal by the Applicants of complete well permit applications and filing fees, the State Engineer shall issue new well permits for the Donohoo Well Nos. 1 through 3 pursuant to C.R.S. §37-90-

137(4), consistent with and references the Plan for Augmentation decreed herein.

13. Of the statutorily described Denver Basin aquifers, the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers all exist beneath the Applicants' Property. The Dawson aquifer underlying the Applicants' Property contains not-nontributary water, while the water of the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' Property are nontributary. The quantity of water in the Denver Basin aquifers exclusive of artificial recharge underlying the Applicants' Property that the Applicants have been deeded is as follows:

AQUIFER	Annual Average Withdrawal 100 Years (Acre Feet)	Annual Average Withdrawal 300 Years (Acre Feet)	Total Withdrawal (Acre Feet)
Dawson (NNT)	12.3	4.1	1,230
Denver (NT)	9.1	3.0	910
Arapahoe (NT)	6.3	2.1	630
Laramie-Fox Hills (NT)	3.8	1.26	380

14. Pursuant to C.R.S. §37-90-137(9)(c.5)(I), the augmentation requirements for wells in the Dawson aquifer require the replacement to the effected stream systems of actual stream depletions on an annual basis, to the extent necessary to prevent injurious effect, based upon actual aquifer conditions. Applicants shall not be entitled to construct a well or use water from the not-nontributary Dawson aquifer except pursuant to an approved augmentation plan in accordance with C.R.S. §37-90-137(9)(c.5), including as decreed herein as concerns the Dawson aquifer.

15. Applicants shall be entitled to withdraw all legally available groundwater in the Denver Basin aquifers underlying Applicants' Property. Said amounts can be withdrawn over the 300-year life of the aquifers as set forth in El Paso County, Colorado Land Development Code §8.4.7(C)(1) which requirements also satisfy the 100-year life for the aquifers as set forth in C.R.S. §37-90-137(4), or withdrawn over a longer period of time based upon local governmental regulations or Applicants' water needs.

16. Applicants shall be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed herein from the Denver Basin aquifers underlying Applicants' Property, so long as the sum of the total withdrawals from wells in the aquifer does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of the decree herein, whichever comes first, and the annual volume of water which Applicants are entitled to withdraw from the aquifer underlying Applicants' Property, subject to the requirement that such banking and excess withdrawals do not violate the terms and conditions

of the plan for augmentation decreed herein and any other plan for augmentation decreed by the Court that authorizes withdrawal of the Denver Basin groundwater decreed herein.

17. Subject to the terms and conditions in the plan for augmentation decreed herein and final approval by the State Engineer's Office pursuant to the issuance of well permits in accordance with C.R.S. §§37-90-137(4) or 37-90-137(10), the Applicants shall have the right to use the ground water for beneficial uses upon the Applicants' Property consisting of domestic, irrigation, stock watering, and for storage and augmentation associated with such uses. The amount of groundwater decreed for such uses upon the Applicants' Property is reasonable as such uses are to be made for the long term use and enjoyment of the Applicants' Property and is to establish and provide for adequate water reserves. The nontributary groundwater, excepting such water reserved for post pumping depletions in the Plan for Augmentation decreed herein, may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the relinquishment of the right to consume two percent of such nontributary water withdrawn. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided however, as set forth above, Applicants shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by the Court, including that revised plan for augmentation decreed herein.

18. Withdrawals of groundwater available from the nontributary aquifers beneath the Applicants' Property in the amounts determined in accordance with the provisions of this decree will not result in material injury to any other vested water rights or to any other owners or users of water.

PLAN FOR AUGMENTATION

19. The structures to be augmented are the Donohoo Well Nos. 1 through 3 as constructed, and to be constructed in the not-nontributary Dawson aquifer underlying the Applicants' Property, along with any additional or replacement wells associated therewith.

20. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation obligation for Donohoo Well Nos. 1 through 3, and any additional or replacement wells constructed to the Dawson aquifer requires the replacement of actual stream depletions to the extent necessary to prevent any injurious effect. The water rights to be used for augmentation during pumping are the septic return flows of the not-nontributary Donohoo Well Nos. 1 through 3, to be pumped as set forth in this plan for augmentation. The water rights to be used for augmentation after pumping are a reserved portion of Applicants' nontributary water rights in the Arapahoe and Laramie-Fox Hills aquifers. Applicants shall provide for the augmentation of stream depletions caused by pumping the Donohoo Well Nos. 1 through 3 as approved herein. Water use criteria as follows:

A. Use: The Donohoo Well Nos. 1 and 2 each pump up to 1.3 acre feet of water per year, and the Donohoo Well No. 3 may pump up to 0.6 acre feet of water per year, or a maximum total of 3.2 acre feet being withdrawn from the Dawson aquifer annually, though should fewer than three lots be developed on Applicants' Property, each well thereon shall be entitled to

withdraw its proportional share of the total 3.2 acre feet available. Households will utilize an estimated 0.25 acre feet of water per year per residence, with remaining pumping entitlements available for other uses on the property, including, for example, irrigation of lawn and garden and the watering of up to eight horses or equivalent livestock, per residence. The foregoing figures assume the use of three individual septic systems, with resulting return flows from each. Should Applicants subdivide Applicants' property into fewer than three lots, both depletions and return flows for the replacement of the same will be correspondingly reduced, though pumping for uses other than household use may be increased provided at all times septic return flows shall replace the maximum depletions resulting from pumping (19.25%) as described in this Paragraph 20.

B. Depletions: Maximum stream depletions over the 300-year pumping period will amount to approximately nineteen point two five percent (19.26%) of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.616 acre feet in year 300. Should Applicants' pumping be less than the total 3.2 annual acre feet described herein, or should fewer lots be developed, resulting depletions and required replacements will be correspondingly reduced.

C. Augmentation of Depletions During Pumping Life of Wells: Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of the maximum seven residential Dawson aquifer wells. Applicants have determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At the household use rate of 0.25 acre feet per residence per year, total of 0.75 acre feet (assuming three residences), 0.675 acre feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented.

D. Augmentation of Post Pumping Depletions: This plan for augmentation shall have a pumping period of a minimum of 300 years. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Donohoo Well Nos. 1 through 3, Applicants will reserve the entirety of the nontributary Laramie-Fox Hills aquifer, and up to 610 acre-feet of water from the nontributary Arapahoe aquifer (subject to the 2% relinquishment requirement), accounting for actual stream depletions replaced during the plan pumping period as necessary to replace any injurious post pumping depletions. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be non-injurious. The reserved nontributary Arapahoe and Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive new well permits for the Donohoo Well Nos. 1 through 3 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

21. Because depletions occur to both the South Platte and Arkansas River systems

under the State's groundwater flow model, the Application in this case was filed in both Water Divisions 1 and 2. The return flows set forth above as augmentation will accrue to only the South Platte River system where most of the depletions will occur and where the Applicants' Property is located. Under this augmentation plan, the total amount of depletions will be replaced to the South Platte River system as set forth herein, and the Court finds that those replacements are sufficient under this augmentation plan subject to Paragraphs 40-44 herein.

22. This decree, upon recording, shall constitute a covenant running with Applicants' Property, benefitting and burdening said land, and requiring construction of well(s) to the nontributary Arapahoe and Laramie-Fox Hills aquifers and pumping of water to replace any injurious post-pumping depletions under this decree. Subject to the requirements of this decree, in order to determine the amount and timing of post-pumping replacement obligations, if any, under this augmentation plan, Applicants or their successors shall use information commonly used by the Colorado Division of Water Resources for augmentation plans of this type at the time. Pursuant to this covenant, the water from the nontributary Arapahoe and Laramie-Fox Hills aquifers reserved herein may not be severed in ownership from the overlying subject property. This covenant shall be for the benefit of, and enforceable by, third parties owning vested water rights who would be materially injured by the failure to provide for the replacement of post-pumping depletions under the decree, and shall be specifically enforceable by such third parties against the owner of the Applicants' Property.

23. Applicants or their successors shall be required to initiate pumping from the Arapahoe and Laramie-Fox Hills aquifers for the replacement of post-pumping depletions when either: (i) the absolute total amount of water available from the Dawson aquifer allowed to be withdrawn under the plan for augmentation decreed herein has been pumped; (ii) the Applicants or their successors in interest have acknowledged in writing that all withdrawals for beneficial use through the Donohoo Well Nos. 1 through 3 have permanently ceased, (iii) a period of 10 consecutive years where either no withdrawals of groundwater has occurred, or (iv) accounting shows that return flows from the use of the water being withdrawn is insufficient to replace depletions caused by the withdrawals that already occurred.

24. Accounting and responsibility for post-pumping depletions in the amount set forth herein shall continue for the shortest of the following periods: (i) the period provided by statute; (ii) the period specified by any subsequent change in statute; (iii) the period required by the Court under its retained jurisdiction; (iv) the period determined by the State Engineer; or (v) the period as established by Colorado Supreme Court final decisions. Should Applicants' obligation hereunder to account for and replace such post-pumping stream depletions be abrogated for any reason, then the Laramie-Fox Hills aquifer groundwater reserved for such a purpose shall be free from the reservation herein and such groundwater may be used or conveyed by its owner without restriction for any post-pumping depletions.

25. The term of this augmentation plan is for a minimum of 300 years, however, the length of the plan for a particular well or wells may be extended beyond such time provided the total plan pumping allocated to such well or wells is not exceeded. Should the actual operation of

this augmentation plan depart from the planned diversions described in Paragraph 20 such that annual diversions are increased or the duration of the plan is extended, the Applicants must prepare and submit a revised model of stream depletions caused by the actual pumping schedule. This analysis must utilize depletion modeling acceptable to the State Engineer, and to this Court, and must represent the water use under the plan for the entire term of the plan to date. The analysis must show that return flows have equaled or exceeded actual stream depletions throughout the pumping period and that reserved nontributary water remains sufficient to replace post-pumping depletions.

26. Consideration has been given to the depletions from Applicants' use and proposed uses of water, in quantity, time and location, together with the amount and timing of augmentation water which will be provided by the Applicants, and the existence, if any, injury to any owner of or person entitled to use water under a vested water right.

27. It is determined that the timing, quantity and location of replacement water under the protective terms in this decree are sufficient to protect the vested rights of other water users and eliminate material injury thereto. The replacement water shall be of a quantity and quality so as to meet the requirements for which the water of senior appropriators has normally been used, and provided of such quality, such replacement water shall be accepted by the senior appropriators for substitution for water derived by the exercise of the Donohoo Well Nos. 1 through 3. As a result of the operation of this plan for augmentation, the depletions from the Donohoo Well Nos. 1 through 3 and any additional or replacement wells associated therewith will not result in material injury to the vested water rights of others.

CONCLUSIONS OF LAW

28. The application for Revision of Plan for Augmentation was filed with the Water Clerks for Water Divisions 1 and 2, pursuant to C.R.S. §§37-92-302(1)(a) and 37-90-137(9)(c). These cases were properly consolidated before Water Division 1.

29. The Applicants' request for adjudication of these water rights is contemplated and authorized by law, and this Court and the Water Referee have exclusive jurisdiction over these proceedings pursuant C.R.S. §§37-92-302(1)(a), 37-92-203, and 37-92-305.

30. Subject to the terms of this decree, the Applicants are entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicants' Property, and the right to use that water to the exclusion of all others subject to the terms of this decree.

31. The Applicants have complied with C.R.S. §37-90-137(4), and the groundwater is legally available for withdrawal by the requested nontributary well(s), and legally available for withdrawal by the requested not-nontributary well(s) upon the entry of this decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). Applicants are entitled to a decree from this Court confirming its rights to withdraw groundwater pursuant to C.R.S. §37-90-137(4).

32. The Denver Basin water rights applied for in this case are not conditional water rights, but are vested water rights determined pursuant to C.R.S. §37-90-137(4). No applications for diligence are required. The claims for nontributary and not-nontributary groundwater meet the requirements of Colorado Law.

33. The determination and quantification of the nontributary and not-nontributary groundwater rights in the Denver Basin aquifers as set forth herein is contemplated and authorized by law pursuant to C.R.S. §§37-90-137, and 37-92-302 through 37-92-305.

34. The Applicants' request for Revision of Plan for Augmentation is contemplated and authorized by law. If administered in accordance with this decree, this revised plan for augmentation will permit the uninterrupted diversions from the Donohoo Well Nos. 1 through 3 without adversely affecting any other vested water rights in the Arkansas River and South Platte River or their tributaries and when curtailment would otherwise be required to meet a valid senior call for water pursuant to C.R.S. §§37-92-305(3),(5), and (8).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

35. All of the foregoing Findings of Fact and Conclusions of Law are incorporated herein by reference and are considered to be a part of this decretal portion as though set forth in full.

36. The Revision of Plan for Augmentation proposed by the Applicant is approved, subject to the terms of this decree.

37. The Applicants have furnished acceptable proof as to all claims and, therefore, the Revision of Plan for Augmentation Application, as requested by the Applicants, is granted and approved in accordance with the terms and conditions of this decree. Approval of this Application will not result in any material injury to senior vested water rights.

38. The Applicants shall comply with C.R.S. §37-90-137(9)(b), requiring the relinquishment of the right to consume two percent (2%) of the amount of the nontributary groundwater withdrawn. Ninety-eight percent (98%) of the nontributary groundwater withdrawn may therefore be consumed. No plan for augmentation shall be required to provide for such relinquishment.

39. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water covered by the Donohoo Well Nos. 1 through 3 so long as the return flows from the annual diversions associated with the Donohoo Well Nos. 1 through 3 accrue to the stream system pursuant to the conditions contained herein. To the extent that Applicants or one of their successors or assigns is ever unable to provide the replacement water required, then the Donohoo Well Nos. 1 through 3 shall not be entitled to operate under the protection of this plan, and shall be subject to administration and curtailment in accordance with

the laws, rules, and regulation of the State of Colorado. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions which are not so replaced as to prevent injury to vested water rights. In order for this plan for augmentation to operate, return flows from the septic systems discussed herein, as appropriate, shall at all times during pumping be in an amount sufficient to replace the amount of stream depletions.

40. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristic, and that the Applicants need not refile, republish, or otherwise amend this application to request such adjustments. The Court further retains jurisdiction should the Applicants later seek to amend this decree by seeking to prove that post-pumping depletions are noninjurious, that the extent of replacement for post-pumping depletions is less than the amount of water reserved herein, and other post-pumping matters addressed in Paragraph 20.D.

A. At such time as adequate data may be available, Applicants or the State Engineer may invoke the Court's retained jurisdiction as provided in this Paragraph 40 for purposes of making a final determination of water rights as to the quantities of water available and allowed average annual withdrawals from any of the Denver Basin aquifers quantified and adjudicated herein. Any person seeking to invoke the Court's retained jurisdiction for such purpose shall file a verified petition with the Court setting forth with particularity the factual basis for such final determination of Denver Basin water rights under this decree, together with the proposed decretal language to effect the petition. Within four months of the filing of such verified petition, the State Engineer's Office shall utilize such information as available to make a final determination of water rights finding, and shall provide such information to the Court, Applicants, and the petitioning party.

B. If no protest is filed with the Court to such findings by the State Engineer's Office within sixty (60) days, this Court shall incorporate by entry of an Amended Decree such "final determination of water rights", and the provisions of this Paragraph 40 concerning adjustments to the Denver Basin ground water rights based upon local aquifer conditions shall no longer be applicable. In the event of a protest being timely filed, or should the State Engineer's Office make no timely determination as provided in Paragraph 40.A., above, the "final determination of water rights" sought in the petition may be made by the Water Court after notice to all parties and following a full and fair hearing, including entry of an Amended Decree, if applicable in the Court's reasonable discretion.

41. Pursuant to C.R.S. §37-92-304(6), the Court shall retain continuing jurisdiction over the plan for augmentation decreed herein for reconsideration of the question of whether the provisions of this decree are necessary and/or sufficient to prevent injury to vested water rights of others, as pertains to the use of Denver Basin groundwater supplies adjudicated herein for augmentation purposes. The court also retains continuing jurisdiction for the purpose of determining compliance with the terms of the augmentation plan.

42. As pertains to the Denver Basin groundwater supplies, the court shall retain continuing jurisdiction for so long as Applicants are required to replace depletions to the South Platte stream system, to determine whether the replacement of depletions to the South Platte stream system instead of the Arkansas stream system is causing material injury to water rights tributary to the Arkansas stream system.

43. Any person may invoke the Court's retained jurisdiction at any time that Applicants are causing depletions, including ongoing post-pumping depletions, to the Arkansas River system and is replacing such depletions to only the South Platte River system. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for the alleged material injury and to request that the Court reconsider material injury to petitioners' vested water rights associated with the above replacement of depletions under this decree, together with the proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof going forward to establish a prima facie case based on the facts alleged in the petition and that Applicants' failure to replace depletions to the Arkansas River system is causing material injury to water rights owned by that party invoking the Court's retained jurisdiction, except that the State and Division Engineer may invoke the Court's retained jurisdiction by establishing a prima facie case that material injury is occurring to any vested or conditionally decreed water rights in the Arkansas River system due to the location of Applicants' replacement water. If the Court finds that those facts are established, the Applicants shall thereupon have the burden of proof to show (i) that petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others.

44. Except as otherwise specifically provided in Paragraphs 40-43, above, pursuant to the provisions of C.R.S. §37-92-304(6), this plan for augmentation decreed herein shall be subject to the reconsideration of this Court on the question of material injury to vested water rights of others, for a period of three years, except as otherwise provided herein. Any person, within such period, may petition the Court to invoke its retained jurisdiction. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for requesting that the Court reconsider material injury to petitioner's vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof of going forward to establish a prima facie case based on the facts alleged in the petition. If the Court finds those facts are established, Applicants shall thereupon have the burden of proof to show: (i) that the petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others. If no such petition is filed within such period and the retained jurisdiction period is not

extended by the Court in accordance with the revisions of the statute, this matter shall become final under its own terms.

45. Pursuant to C.R.S. §37-92-502(5)(a), the Applicants shall install and maintain such water measurement devices and recording devices as are deemed essential by the State Engineer or Division Engineers, and the same shall be installed and operated in accordance with instructions from said entities. Applicants are to install and maintain a totalizing flow meters on all Wells or any additional or replacement wells associated therewith. Applicants are also to maintain records and provide reports to the State Engineer or Division Engineers as instructed by said entities, on at least an annual basis.

46. The entire length of open bore holes shall be geophysically surveyed prior to casing and copies of the geophysical log submitted to the Division of Water Resources. Applicants may provide a geophysical log from an adjacent well or test hole, pursuant to Rule 9A of the Statewide Rules and acceptable to the State Engineer, which fully penetrates the aquifer, in satisfaction of the above requirement.

47. Groundwater production shall be limited to the subject aquifers. Plain, unperforated casing must be installed and properly grouted to prevent withdrawal from or intermingling of water from zones other than those for which the well was designed.

48. Each well shall be permanently identified by its permit number, this Water Court Case Number, and the name of the producing aquifer on the above-ground portion of the well casing or on the pump house.

49. The vested water rights, water right structures, and plan for augmentation decreed herein shall be subject to all applicable administrative rules and regulations, as currently in place or as may in the future be promulgated, of the offices of Colorado State and Division Engineers for administration of such water rights, to the extent such rules and regulations are uniformly applicable to other similarly situated water rights and water users. The State Engineer shall identify in any permits issued pursuant to this decree the specific uses which can be made of the groundwater to be withdrawn, and shall not issue a permit for any proposed use, which use the State Engineer determines to be speculative at the time of the well permit application or which would be inconsistent with the requirements of this decree, any separately decreed plan for augmentation, or any modified decree and augmentation plan.

50. This Ruling of Referee, when entered as a decree of the Water Court, shall be recorded in the real property records of El Paso County, Colorado. Copies of this ruling shall be mailed as provided by statute.

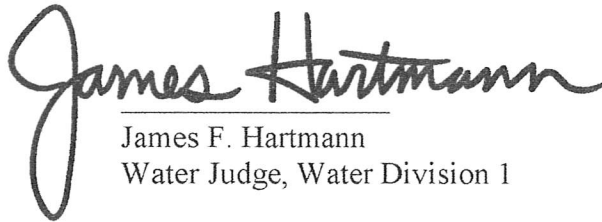
Date: February 2, 2021

A handwritten signature in cursive script that reads "John S. Cowan".

John S. Cowan
Water Referee
Water Division One

The court finds that no protest was filed in this matter. The foregoing ruling is confirmed and approved and is made the judgment and decree of this Court.

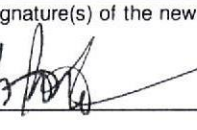
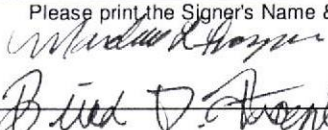
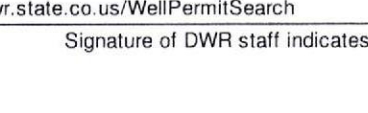
Date: February 25, 2021

A handwritten signature in cursive script that reads "James F. Hartmann".

James F. Hartmann
Water Judge, Water Division 1

Appendix

Exhibit C Well Permit (Permit No. 79072-F)

Form No. GWS-11 08/2016	COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 Sherman St., Ste 821, Denver, CO 80203 Main: 303.866.3581 dwrpermitsonline@state.co.us	For Office Use Only RECEIVED MAY 14 2019 WATER RESOURCES STATE ENGINEER COLORADO
CHANGE IN OWNER NAME/MAILING ADDRESS		
PRIOR TO COMPLETING THIS FORM, SEE INSTRUCTIONS ON REVERSE SIDE INCOMPLETE, POOR QUALITY, OR ILLEGIBLE FORMS CANNOT BE PROCESSED AND WILL BE RETURNED		
Name, address and phone number of person claiming ownership of the well permit:		
Name(s): PAULA B. DONOHOO AND MARDELLE L. FRAZIER AND BRIAN D. FRAZIER		
Mailing Address: 8855 WALKER ROAD		
City, St, Zip: COLORADO SPRINGS, CO 80908		
Phone: (606) 280-6602 xPAULA Email: paula.donohoo@jacksonwws.com		
Well Permit Number: 79072-F Receipt Number: 3669334 Case Number(optional): _____		
WELL LOCATION: County: El Paso Well Name or # (optional): _____		
8855 WALKER ROAD, COLORADO SPRINGS, CO 80908		
Street Address at Well Location		
☒ Check if well address is same as owner's mailing address		
SW ¼ of the SW ¼, Sec. 10 , Township 11 ☐ N. or ☒ S. Range 65 ☐ E. or ☒ W., SIXTH P.M.		
Distance from Section Lines: 330 Ft. From ☐ N. or ☒ S. Line, 550 Ft. From ☐ E. or ☒ W. Line.		
Subdivision Name (if applicable): WILLOW SPRINGS ESTATES , Lot 1 , Block 7 , Filing/Unit _____		
NOTE: If changing/correcting the permitted location of a well, use Form No. GWS-42		
I (we) claim and say that I am (we are) the owner(s) of the well permit described above, know the contents of the statements made herein, and state that they are true to my (our) knowledge. This filing is made pursuant to C.R.S. 37-90-143.		
Signature(s) of the new owner 	Please print the Signer's Name & title  Brian D. Frazier	Date May 08, 2019
It is the responsibility of the new owner of this well permit to complete and sign this form. If an agent is signing or entering information, please see instructions.		
Please allow 4 to 6 weeks for processing of this form. Thereafter, you can view or print the accepted document at: http://www.dwr.state.co.us/WellPermitSearch		
Signature of DWR staff indicates acceptance as a Change in Owner Name and/or Mailing Address.		
For Staff Use Only		
 Staff Signature		
Date 6/10/2019		

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MAY 14 2019

WATER RESOURCES
STATE ENGINEER
COLO



Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
1818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXST

WELL PERMIT NUMBER 79072 - F -
DIV. 1 WD 1 DES. BASIN MD

APPLICANT

Lot: 1 Block: 7 Filing: Subdiv: WILLOW SPRINGS ESTATES

JEFF BRISCOE
C/O PETROCK & FENDEL PC
700 17TH ST # 1800
DENVER, CO 80202-

(303) 534-0702

APPROVED WELL LOCATION

EL PASO COUNTY
SW 1/4 SW 1/4 Section 10
Township 11 S Range 65 W Sixth P.M.

DISTANCES FROM SECTION LINES

330 Ft. from South Section Line
550 Ft. from West Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the Augmentation Plan approved by the Division 2 Water Court in case no. 99CW119 (Division 1 Water Court case no. 99CW143). If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) The use of ground water from this well is limited to in-house use inside one dwelling, the watering of up to four (4) large domestic animals and the irrigation of not more than 11,000 square feet.
- 5) Approved for the use of an existing well constructed under permit number 214560. Issuance of this permit hereby cancels permit number 214560.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The average annual amount of ground water to be appropriated shall not exceed 1.0 acre-foot.
- 8) Production is limited to the Dawson aquifer.
- 9) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 10) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 11) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 12) This well shall be located not more than 200 feet from the location specified on this permit.
- 13) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 14) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

JMW 6/8/15

APPROVED
JMW

State Engineer

DATE ISSUED 06-08-2015

By

EXPIRATION DATE

NA

Receipt No. 3669334

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST., Ste 821, DENVER, CO 80203
Main: (303) 866-3581 Fax: (303) 866-2223 dwrpermitonline@state.co.us

RESIDENTIAL Note: Also use this form to apply for livestock watering
Water Well Permit Application
Review form instructions prior to completing form.
Hand completed forms must be completed in black or blue ink or typed.

1. Applicant Information

Name(s) Jeff Briscoe
c/o Petrock & Fendel, P.C.
Mailing address
700 17th St. #1800
City Denver State CO Zip code 80202
Telephone # 303-534-0702 E-mail (online filing it is required)

2. Type Of Application (check applicable boxes)

☐ Construct new well ☐ Change source (aquifer)
☐ Replace existing well ☐ Reapplication (expired permit)
☐ Use existing well ☐ Rooftop precip. collection
☒ Change or increase use ☐ Other:

3. Refer To (if applicable)

Well permit # 214560 Water Court case # 99CW119/WD#2
Designated Basin Determination # Lot 1 Well

4. Location Of Proposed Well (Important! See Instructions)

County E1 Paso SW 1/4 of the SW 1/4
Section 10 Township 11 N or S 65 E or W 6th Principal Meridian
Distance of well from section lines (section lines are typically not property lines)
330 Ft. from N 550 Ft. from E
For replacement wells only - distance and direction from old well to new well
feet Direction

Well location address (Include City, State, Zip) ☐ Check if well address is same as in Item 1.
7855 Walker Road
Colorado Springs, CO 80908
Optional: GPS well location information in UTM format. GPS unit settings are as follows:
Format must be UTM
☐ Zone 12 or ☐ Zone 13
Units must be Meters
Datum must be NAD83
Unit must be set to true north
Was GPS unit checked for above? ☐ YES Remember to set Datum to NAD83

5. Parcel On Which Well Will Be Located

(You must attach a current deed for the subject parcel)

A. You must check and complete one of the following:

☒ Subdivision: Name Willow Springs Estates
Lot 1 Block 7 Filing/Unit
☐ County exemption (attach copy of county approval & survey)
Name/# Lot #
☐ Parcel less than 35 acres, not in a subdivision attach a deed with metes & bounds description recorded prior to June 1, 1972, and current deed
☐ Mining claim (attach copy of deed or survey) Name/#:
☐ Square 40 acre parcel as described in Item 4
☐ Parcel of 35 or more acres (attach metes & bounds description or survey)
☐ Other: (attach metes & bounds description or survey)

B. # of acres in parcel 13.89 C. Are you the owner of this parcel?
☒ YES ☐ NO

D. Will this be the only well on this parcel? ☐ YES ☐ NO (if no - list other wells)

Not augmented

E. State Parcel ID# (optional):

Office Use Only

Form GWS-44 (11/2011)

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**WATER RESOURCES
STATE ENGINEER
COLO**

6. Use Of Well (check applicable boxes)

See instructions to determine use(s) for which you may qualify

☐ A. Ordinary household use in one single-family dwelling (no outside use)

☒ B. Ordinary household use in 1 to 3 single-family dwellings:
Number of dwellings: 1

☒ Home garden/lawn irrigation, not to exceed one acre:
area irrigated 14,000 sq. ft. ☐ acre

☒ Domestic animal watering - (non-commercial) - 4

☐ C. Livestock watering (on farm/ranch/range/pasture)

7. Well Data (proposed)

Maximum pumping rate 15 gpm Annual amount to be withdrawn 1 acre-feet
Total depth 280 feet Aquifer Dawson

8. Water Supplier

Is this parcel within boundaries of a water service area? ☐ YES ☒ NO
If yes, provide name of supplier:

9. Type Of Sewage System

☒ Septic tank / absorption leach field

☐ Central system: District name: _____

☐ Vault: Location sewage to be hauled to: _____

☐ Other (explain) _____

10. Proposed Well Driller License #(optional):

11. Sign or Enter Name of Applicant(s) or Authorized Agent

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Sign or enter name(s) of person(s) submitting application Date (mm/dd/yyyy)

Gary Crosby 4/21/15

If signing print name and title
Gary Crosby, Paralegal, Petrock & Fendel, P.C.

Office Use Only

USGS map name DWR map no. Surface elev.
7380

Receipt area only
156M
1 AF
15 fd
11,000 SF
4 Acres
Transaction # 3609334
Date: 4/23/2015 11:52:14 AM
Transaction Total: \$100.00
CHECK #12871 \$100.00

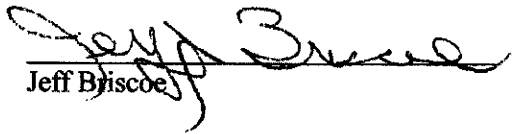
AQUAMAP ☒
WE ☒
WR ☒
CWCB ☒
TOPO ☒
MYLAR ☒
SB5 DIV 1 WD 1 BA 1 MD 1

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AGENT LETTER

APR 23 2015

The undersigned designates Petrock & Fendel, P.C., to act on his behalf in well permitting matters. WATER RESOURCES
STATE ENGINEER
COLO


Jeff Briscoe

Bedrock Auifer Evaluation Determination Tool**Denver Basin Auifer - Specific Location Determination Tool****Applicant:** Jeff Briscoe**Reciept No:** 3669334**Evaluated By:** JMW**Location:** SW 1/4 of SW 1/4 of Sec. 10, T.11S, R.65W. (330 SSL, 550 WSL)**Basin Designation:** Location is within the UNKNOWN Designated Ground Water Basin.**Ground Surface Elevation:** 7380 Feet **Number of Acres:** 1

Aquifer	Elevation (ft)		Net Sand	DEPTH (ft)		ANNUAL APRPROP. (A-F)	STATUS
	<i>Bot</i>	<i>Top</i>		<i>Bot</i>	<i>Top</i>		
Upper Dawson	6370	7289	459.4	1010	91	0.92	NNT
Lower Dawson	--	--	--	--	--	--	--
Denver	5482	6322	389.5	1898	1058	0.66	NT
Upper Arapahoe	4918	5446	269.5	2462	1934	0.46	NT
Lower Arapahoe	--	--	--	--	--	--	--
Laramie-Fox Hills	4298	4584	188.1	3082	2796	0.28	NT

NOTE: 'E' indicates a location is at an aquifer boundary and the values may be more approximate.

Appendix

Exhibit D Water Supply Information Summary (Form No. GWS-76)

FORM NO. GWS-76 05/2011	WATER SUPPLY INFORMATION SUMMARY STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 821, Denver, CO 80203 Main (303) 866-3581 dwr.colorado.gov Section 30-28-133,(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality, and dependability will be available to ensure an adequate supply of water."		
1. NAME OF DEVELOPMENT AS PROPOSED: High Forest Estates Subdivision Filing No. 1			
2. LAND USE ACTION: Final Plat			
3. NAME OF EXISTING PARCEL AS RECORDED: Lot 1, Block 7, Willow Springs Estates SUBDIVISION: Willow Springs Estates, FILING (UNIT), BLOCK 7, LOT 1			
4. TOTAL ACREAGE: 13.81		5. NUMBER OF LOTS PROPOSED 2 PLAT MAP ENCLOSED? ☒ YES or ☐ NO	
6. PARCEL HISTORY – Please attach copies of deeds, plats, or other evidence or documentation. A. Was parcel recorded with county prior to June 1, 1972? ☒ YES or ☐ NO B. Has the parcel ever been part of a division of land action since June 1, 1972? ☐ YES or ☒ NO If yes, describe the previous action:			
7. LOCATION OF PARCEL – Include a map delineating the project area and tie to a section corner. See Plat Map ____ 1/4 of the SW 1/4, Section 10, Township 11 ☐ N or ☒ S, Range 65 ☐ E or ☒ W Principal Meridian (choose only one): ☒ Sixth ☐ New Mexico ☐ Ute ☐ Costilla Optional GPS Location: GPS Unit must use the following settings: Format must be UTM , Units must be meters , Datum must be NAD83 , Unit must be set to true N , ☐ Zone 12 or ☐ Zone 13 Easting: _____ Northing: _____			
8. PLAT – Location of all wells on property must be plotted and permit numbers provided. Surveyor's Plat: ☒ YES or ☐ NO If not, scaled hand drawn sketch: ☐ YES or ☐ NO			
9. ESTIMATED WATER REQUIREMENTS		10. WATER SUPPLY SOURCE	
USE	WATER REQUIREMENTS		☒ NEW WELLS -
(2 units at 0.30 acre-ft/yr each) HOUSEHOLD USE # 2 of units	Gallons per Day	Acre-Feet per Year	PROPOSED AQUIFERS – (CHECK ONE)
		0.60	☐ ALLUVIAL ☐ UPPER ARAPAHOE
COMMERCIAL USE # _____ of S. F			☒ UPPER DAWSON ☐ LOWER ARAPAHOE
(2 units at 8500 sf irrigation at 0.124 acre-ft/1000 sf/yr each) IRRIGATION # 0.40 of acres		2.12	☐ LOWER DAWSON ☐ LARAMIE FOX HILLS
(8 head at 0.06 acre-ft/yr each) STOCK WATERING # 8 of head		0.48	☐ DENVER ☐ DAKOTA
OTHER: _____			☐ OTHER: _____
TOTAL		3.20	WATER COURT DECREE CASE NUMBERS: Div.1 20CW3077 (Consolidated with Div.2 20CW3027
		☐ EXISTING ☐ DEVELOPED WELL SPRING	
		WELL PERMIT NUMBERS 79072-F	
		☐ MUNICIPAL ☐ ASSOCIATION ☐ COMPANY ☐ DISTRICT NAME _____ LETTER OF COMMITMENT FOR SERVICE ☐ YES or ☐ NO	
11. WAS AN ENGINEER'S WATER SUPPLY REPORT DEVELOPED? ☒ YES or ☐ NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
☒ SEPTIC TANK/LEACH FIELD		☐ CENTRAL SYSTEM	
☐ LAGOON		DISTRICT NAME: _____	
☐ ENGINEERED SYSTEM (Attach a copy of engineering design.)		☐ VAULT	
		LOCATION SEWAGE HAULED TO: _____	
		☐ OTHER: _____	

Appendix

Exhibit	E	Water Quality Testing Results
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Analytical Results

TASK NO: 220912059

Report To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Civil
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Bill To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Ci
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Task No.: 220912059

Client PO:

Client Project:

Date Received: 9/12/22

Date Reported: 10/10/22

Matrix: Water - Drinking

Lab Number	Customer Sample ID	Sample Date/Time	Test	Result	Method	Date Analyzed
220912059-01F	M.V.E. Inc. 1-6	9/12/22 11:21 AM	Total Coliform	Absent	SM 9223	9/13/22
			E-Coli	Absent	SM 9223	9/13/22

Abbreviations/References:

Absent = Coliform Not Detected

Present = Coliform Detected - Chlorination Recommended

Date Analyzed = Date Test Completed

SM = "Standard Methods for the Examination of Water and Wastewater"; APHA; 19th Edition; 1995



DATA APPROVED FOR RELEASE BY

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313

Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

Page 1 of 4

220912059

1/1

Analytical Results

TASK NO: 220912059

Report To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Civil
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Bill To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Ci
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Task No.: 220912059
Client PO:
Client Project:

Date Received: 9/12/22
Date Reported: 10/10/22
Matrix: Water - Drinkin

Customer Sample ID M.V.E. Inc. 1-6
Sample Date/Time: 9/12/22 11:21 AM
Lab Number: 220912059-01

Test	Result	Method	RL	Date Analyzed	QC Batch ID	Analyzed By
Bicarbonate	80.0 mg/L as CaCO ₃	SM 2320-B	0.2 mg/L as CaCO ₃	9/14/22	-	DEK
Calcium as CaCO ₃	64.4 mg/L	EPA 200.7	0.1 mg/L	9/14/22	-	MAT
Carbonate	ND	SM 2320-B	0.2 mg/L as CaCO ₃	9/14/22	-	DEK
Hydroxide	ND	SM 2320-B	0.2 mg/L as CaCO ₃	9/14/22	-	DEK
Langelier Index	-1.15 units	SM 2330-B	units	9/15/22	-	SAN
pH	6.92 units	SM 4500-H-B	0.01 units	9/12/22	-	DEK
Temperature	20 °C	SM 4500-H-B	1 °C	9/12/22	-	DEK
Total Alkalinity	80.0 mg/L as CaCO ₃	SM 2320-B	4.0 mg/L as CaCO ₃	9/14/22	QC59624	DEK
Total Dissolved Solids	153 mg/L	SM 2540-C	5 mg/L	9/14/22	QC59560	DEK

Abbreviations/References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
(s) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

Analytical QC Summary

TASK NO: 220912059

Report To: David R Gorman, P.E.
Company: Monument Valley Engineers - MVE Civil

Receive Date: 9/12/22
Project Name:

Test	QC Batch ID	QC Type	Result	Method		
Total Alkalinity	QC59624	Blank	ND	SM 2320-B		
Total Dissolved Solids	QC59560	Blank	ND	SM 2540-C		

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Total Alkalinity	QC59624	Duplicate	0 - 20	-	3.2	SM 2320-B
		LCS	90 - 110		-	
		LCS-2	90 - 110	109.9	-	
Total Dissolved Solids	QC59560	Duplicate	0 - 20	-	2.5	SM 2540-C
		LCS	85 - 115	97.4	-	

All analyses were performed in accordance with approved methods under the latest revision to 40 CFR Part 136 unless otherwise identified. Based on my inquiry of the person or persons directly responsible for analyzing the wastewater samples and generating the report (s), the analyses, report, and information submitted are, to the best of my knowledge and belief, true, accurate, and complete.



DATA APPROVED FOR RELEASE BY

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

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(s) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

Analytical Results

TASK NO: 220912059

Report To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Civil
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Bill To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Ci
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Task No.: 220912059
Client PO:
Client Project:

Date Received: 9/12/22
Date Reported: 10/10/22
Matrix: Water - Drinking

Customer Sample ID M.V.E. Inc. 1-6
Sample Date/Time: 9/12/22 11:21 AM
Lab Number: 220912059-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
Nitrate/ Nitrite Nitrogen	2.55 mg/L	Calculation	0.05 mg/L		9/14/22	-	AMJ
Chloride	3.2 mg/L	EPA 300.0	0.1 mg/L		9/13/22	QC59586	AMJ
Fluoride	ND	EPA 300.0	0.10 mg/L	4	9/13/22	QC59587	AMJ
Nitrate Nitrogen	2.55 mg/L	EPA 300.0	0.05 mg/L	10	9/13/22	QC59588	AMJ
Nitrite Nitrogen	ND	EPA 300.0	0.03 mg/L	1	9/13/22	QC59589	AMJ
Sulfate	7.6 mg/L	EPA 300.0	0.1 mg/L		9/13/22	QC59590	AMJ
Cyanide-Total	ND	EPA 335.4	0.005 mg/L	0.02	9/13/22	QC59576	DPL
Total							
Iron	ND	EPA 200.7	0.005 mg/L	0.3	9/14/22	QC59603	MAT
Aluminum	ND	EPA 200.8	0.001 mg/L	0.05	9/16/22	QC59654	MBN
Antimony	ND	EPA 200.8	0.0012 mg/L	0.006	9/16/22	QC59654	MBN
Arsenic	ND	EPA 200.8	0.0006 mg/L	0.01	9/16/22	QC59654	MBN
Barium	0.1141 mg/L	EPA 200.8	0.0007 mg/L	2	9/16/22	QC59654	MBN
Beryllium	0.0001 mg/L	EPA 200.8	0.0001 mg/L	0.004	9/16/22	QC59654	MBN
Cadmium	ND	EPA 200.8	0.0001 mg/L	0.005	9/16/22	QC59654	MBN
Chromium	ND	EPA 200.8	0.0015 mg/L	0.1	9/16/22	QC59654	MBN
Manganese	0.0026 mg/L	EPA 200.8	0.0008 mg/L	0.05	9/16/22	QC59654	MBN
Mercury	ND	EPA 200.8	0.0001 mg/L	0.002	9/16/22	QC59654	MBN
Selenium	0.0014 mg/L	EPA 200.8	0.0008 mg/L	0.05	9/16/22	QC59654	MBN
Silver	ND	EPA 200.8	0.0005 mg/L	0.1	9/16/22	QC59654	MBN

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
(s) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

Analytical Results

TASK NO: 220912059

Report To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Civil
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Bill To: David R Gorman, P.E.

Company: Monument Valley Engineers - MVE Ci
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Task No.: 220912059
Client PO:
Client Project:

Date Received: 9/12/22
Date Reported: 10/10/22
Matrix: Water - Drinking

Customer Sample ID M.V.E. Inc. 1-6

Sample Date/Time: 9/12/22 11:21 AM

Lab Number: 220912059-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
<u>Total</u>							
Thallium	ND	EPA 200.8	0.0002 mg/L	0.002	9/16/22	QC59654	MBN
Zinc	0.018 mg/L	EPA 200.8	0.001 mg/L	5	9/16/22	QC59654	MBN

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
(s) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313

Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

Drinking Water Chain of Custody



Report To Information		Bill To Information (If different from report to)		Project Information	
Company Name: <u>M. V. E. Inc</u>		Company Name: _____		PWSID: _____	
Contact Name: <u>Omar Ali</u> <u>David Gorman</u>		Contact Name: _____		System Name: _____	
Address: <u>1903 Lelaray St.</u>		Address: _____		Compliance Samples: Yes ☐ No ☐	
City: <u>Colorado Springs</u> State: <u>CO</u> Zip: <u>80909</u>		City: _____ State: _____ Zip: _____		Send Results to CDPHE: Yes ☐ No ☐	
Phone: <u>(719) 635-5736</u>		Phone: _____		Task Number (Lab Use Only) CAL Task	
Email: <u>omara@mvecivil.com</u>		Email: _____		220912059	
Sample Collector: <u>Omar Ali</u>		PO Number: _____		NAB	
Sample Collector Phone: <u>(505) 415-3111</u>					

Commerce City Lab
10411 Heinz Way
Commerce City CO 80640

Lakewood Service Center
610 Garrison Street, Unit E
Lakewood CO 80215

Phone: 303-659-2313

www.coloradolab.com

			PHASE I, II, V Drinking Water Analyses (check requested analysis)																		Subcontract Analyses										
Date	Time	Client Sample ID / Sample Pt ID	No. of Containers	Residual Chlorine (mg/L) P/A Samples Only	Total Coliform P/A	504.1 EDB/DBCP	505 Pests/PCBs	515.4 Herbicides	524.2 VOCs	525.2 SOCs-Pest	531.1 Carbamates	547 Glyphosate	548.1 Endothall	549.2 Diquat	524.2 TTHMs	552.2 HAA5s	Lead/Copper	Nitrate	Nitrite	Fluoride	Inorganics	Alk/Lang. Index (Circle)	TOC, DOC (Circle)	SUVA, UV 254 (Circle)	Cyanide	Gross Alpha/Beta	Radium 226/228	Radon	Uranium	Chlorite	
9/12/22	11:20	1	4																												
9/12/22	11:20	2 (Metals)	1																												
9/12/22	11:20	3	1		✓																										
9/12/22	11:21	4	1																												
9/12/22	11:21	5 (Cyanide)	1																						✓						
9/12/22	11:21	6 (General)	1															✓	✓	✓	✓										
Instructions:			C/S Info:																		Seals Present Yes ☐ No ☒ Headspace Yes ☐ No ☒										
Relinquished By: <u>OA</u>			Date/Time: <u>9/12 11:20</u>			Received By: <u>A. Fort</u>			Date/Time: <u>9/12/22 309</u>			Relinquished By: <u>Hana</u>			C/S Charge ☒			Temp. °C/Ice <u>12/6</u>			Sample Pres. Yes ☒ No ☐			Received By: _____			Date/Time: _____				



CAL Task
220912059

NAB

Bottle Order Test Detail

Order ID: QBO22090008

Date Created: 9/6/22

Ship To: Monument Valley Engineers - MVE Civil
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

Attention: Omar Ali

719-635-5736

****Verify All Shipping Addresses****

Shipping Options:

Ship Via: UPS

Cooler: Yes

Chain of Custody

Drinking Water: 1

Standard: 0

Customer Needs By: 9/9/22

Ships From: Commerce City

Project:

Qty.	Bottle / Preservative / Test
1	100 ml sterile - Na2S2O3 Total Coliform P/A - Water - Drinking
1	✓ 1L - Unpreserved Gross Alpha/Beta (Sub) - Water - Drinking
1	✓ 1L - Unpreserved Radium 226 (Sub) - Water - Drinking Radium 228 (Sub) - Water - Drinking
1	500 ml Cylinder - HNO3 Ag - Total - Water - Drinking Al - Total - Water - Drinking As - Total - Water - Drinking Ba - Total - Water - Drinking Be - Total - Water - Drinking Cd - Total - Water - Drinking Cr - Total - Water - Drinking Fe - Total - Water - Drinking Hg - Water - Drinking Mn - Total - Water - Drinking Sb - Total - Water - Drinking Se - Total - Water - Drinking TI - Total - Water - Drinking

****Samples should be shipped or hand delivered the same day as they are collected.****

Internal Shipping Instructions:

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313
Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

Ship To: Monument Valley Engineers - MVE Civil
1903 Lelaray St
Suite 200
Colorado Springs CO 80909

CAL Task
220912059

Shipping Options:

Ship Via: UPS

Cooler: Yes

Chain of Custody

Drinking Water: 1

Standard: 0

Attention: Omar Ali

NAB

Customer Needs By: 9/9/22

Ships From: Commerce City

719-635-5736

****Verify All Shipping Addresses****

Project:

Qty. Bottle / Preservative / Test
Zn - Total - Water - Drinking

1 500 ml Cylinder - NaOH
✓ Cyanide-Total - Water - Drinking

1 500 ml Cylinder - Unpreserved
Chloride - Water - Drinking
Fluoride - Water - Drinking
Langelier Index - Water - Drinking
Nitrate Nitrogen - Water - Drinking
Nitrate/ Nitrite Nitrogen - Water - Drinking
Nitrite Nitrogen - Water - Drinking
Sulfate - Water - Drinking

****Samples should be shipped or hand delivered the same day as they are collected.****

Internal Shipping Instructions:

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313
Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

Appendix

Exhibit F

Change in Owner Name Forms (Form No. GWS-11)



ORIGINAL PERMIT APPLICANT(S)

EBY NEAL V & MYUNGHAH

APPROVED WELL LOCATION

Water Division: 1 Water District: 1
Designated Basin: N/A
Management District: N/A
County: EL PASO
Parcel Name: WILLOW SPRINGS ESTATES (FILING: 1)
Lot: 1 Block: 7 Filing:
Physical Address: 8855 WALKER ROAD COLORADO
SPRINGS, CO 80908
SW 1/4 SW 1/4 Section 10 Township 11.0 S Range 65.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 529353.2 Northing: 4328062.0

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the Augmentation Plan approved by the Division 2 Water Court in case no. 99CW119 (Division 1 Water Court case no. 99CW143). If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) The use of ground water from this well is limited to in-house use inside one dwelling, the watering of up to four (4) large domestic animals and the irrigation of not more than 11,000 square feet.
- 5) Approved for the use of an existing well constructed under permit number 214560. Issuance of this permit hereby cancels permit number 214560.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The average annual amount of ground water to be appropriated shall not exceed 1.0 acre-foot.
- 8) Production is limited to the Dawson aquifer.
- 9) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 10) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number (s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 11) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 12) This well shall be located not more than 200 feet from the location specified on this permit.
- 13) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 14) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

WELL PERMIT NUMBER 79072-F

RECEIPT NUMBER 3669334

Date Issued: 6/8/2015

Expiration Date: N/A

Issued By _____

PERMIT HISTORY

05-14-2019	CHANGE IN OWNER NAME/MAILING ADDRESS. CHANGED TO PAULA B DONOHOO
05-14-2019	CHANGE IN OWNER NAME/MAILING ADDRESS. CHANGED TO MARDELLE L FRAZIER
05-14-2019	CHANGE IN OWNER NAME/MAILING ADDRESS. CHANGED TO BRIAN D FRAZIER
08-04-2015	CHANGE IN OWNER NAME/MAILING ADDRESS

Form No. GWS-11 11/2011	COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 Sherman St., Ste 821, Denver, CO 80203 Main: (303) 866-3581 Fax: (303) 866-2223 dwrpermitsonline@state.co.us	For Office Use Only RECEIVED JUN 11 2015 WATER RESOURCES STATE ENGINEER COLO
CHANGE IN OWNER NAME/ADDRESS CORRECTION OF THE WELL LOCATION		
Review instructions on the reverse side prior to completing the form.		
Name, address and phone of person claiming ownership of the well permit:		
Name(s): <u>Neal V. Eby and Myunghai Eby</u>		
Mailing Address: <u>8855 Walker Rd</u>		
City, St. Zip: <u>Colorado Springs CO 80908</u>		
Phone <u>719-822-6484</u> Email Address: <u>nealeby@gmail.com</u>		
This form is filed by the named individual/entity claiming that they are the owner of the well permit as referenced below. This filing is made pursuant to C.R.S. 37-90-143.		
WELL LOCATION: Well Permit Number: <u>79072 - F</u> Receipt No.: _____ Case Number: _____		
County <u>El Paso</u> Well Name or # (optional) _____		
<u>8855 Walker Road</u> <u>Colorado Springs</u> <u>CO</u> <u>80908W</u>		
(Address) (City) (State) (Zip)		
_____ 1/4 of the _____ 1/4, Sec. _____, Twp. _____ ☐ N. or ☐ S., Range _____ ☐ E. or ☐ W., _____ P.M.		
Distance from Section Lines: _____ Ft. From ☐ N. or ☐ S., _____ Ft. From ☐ E. or ☐ W. Line.		
OR: GPS well location information in UTM format. You must check GPS unit for required settings as follows: Format must be UTM, ☐ zone 12 or ☐ zone 13; Units must be meters; Datum must be NAD83; Unit must be set to true north.		
Easting _____ Northing _____		
Subdivision Name <u>Willow Springs Estates</u> Lot <u>1</u> , Block <u>7</u> , Filing/Unit _____		
The above listed owner(s) say(s) that he, she (they) own the well permit described herein. The existing record is being amended for the following reasons: ☒ Change in name of owner ☐ Change in mailing address ☐ Correction of location for exempt wells permitted prior to May 8, 1972 and non-exempt wells permitted before May 17, 1965.		
Please see the reverse side for further information regarding correction of the well location.		
I (we) claim and say that I (we) (am) (are) the owner(s) of the well permit described above, know the contents of the statements made herein, and state that they are true to my (our) knowledge.		
Sign or enter the name(s) of the new owner(s) 	If signing print name & title <u>NEAL V. EBY Myunghai Eby</u>	Date (mm/dd/yyyy) <u>06/10/2015</u>
It is the responsibility of the new owner of this well permit to complete and/or sign this form. If an agent is signing or entering information please see instructions.		
Please send confirmation of acceptance of change in owner name/address via: ☐ Email address listed above ☐ US Mail		
State Engineer By <u>8/4/15</u> Date ACCEPTED AS A CHANGE OF OWNERSHIP AND/OR MAILING ADDRESS		

STATE OF
COLORADO

DWRPermitsOnline, DNR <dnr_dwrpermitsonline@state.co.us>

Well Transfer

1 message

Pollock, Austin <Austin@etcos.com>

Wed, Jun 10, 2015 at 4:57 PM

To: "dwrpermitsonline@state.co.us" <dwrpermitsonline@state.co.us>

I have attached the "Colorado division of water resources department of natural resources" for 8855 Walker road. Please let me know if you have any questions.

Best Regards,

RECEIVED

JUN 11 2015
WATER RESOURCES
STATE ENGINEER
COLO**Austin Pollock**
Escrow Support
austin@etcos.com

5755 Mark Dabbling Blvd., Suite 110
Colorado Springs, CO 80919
Office (719) 884-5300/Fax (719) 884-5304
WE DON'T SUCCEED UNLESS YOU DO!



Please consider the environment before printing this e-mail

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36K

Appendix

Exhibit G

Well Permit Application - Forms No. GWS-25 and GWS-44
as submitted to State Engineer's Office (to be finalized
following recording of final plat as required by SEO)

Form No. GWS-44 5/2024 Page 1 of 3	STATE OF COLORADO OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 821, Denver, CO 80203 Phone: (303) 866-3581 Website: https://dwr.colorado.gov/ Email to: dwrpermitsonline@state.co.us				Office Use Only	
RESIDENTIAL Water Well Permit Application Note: Also use this form to apply for livestock watering Review form instructions prior to completing form.						
1. Applicant Information						
Name of Applicant(s) Paula B. Donohoo, Mardelle L. Frazier, and Brian D. Frazier						
Mailing address 8855 Walker Rd						
City Colorado Springs		State Colorado		Zip Code 80908		
Telephone # (area code & number) (213) 792-7163		E-mail (online filing required) wjt@cowaterlaw.com				
2. Type Of Application (check applicable boxes)						
☐ Construct new well		☐ Change source (aquifer)				
☐ Replace existing well		☐ Reapplication (expired permit)				
☐ Use existing well		☐ Rooftop precipitation collection				
☒ Change or increase use		☐ Other: _____				
3. Refer To (if applicable)						
Well permit # 79072-F		Water Court case # 20CW3077				
Designated Basin Determination #		Well name or # Donohoo Well No. 1				
4. Location Of Proposed Well (SEE INSTRUCTIONS)						
Property address (Include City, State, Zip) ☐ Check if well address is same as Item 1 8855 Walker Road, Colorado Springs, Colorado 80908						
Rule 6.2.3 ☐ Yes ☒ No (see instruction for information)		County El Paso				
SW <u>1/4</u> of the SW <u>1/4</u>		Section 10	Township N or S 11 ☐ ☒	Range E or W 65 ☐ ☒	P.M. 6th	
Preferred location format: GPS well location information in UTM format. The following GPS settings are required : Format must be UTM . Units must be in meters . Datum must be NAD83 . Unit must be set to true north . ☐ Zone 12 or ☒ Zone 13. Easting: <u>529353.3</u> Northing: <u>4328061.6</u>						
Optional Location Information (must be provided if GPS location is not provided above and Rule 6.2.3 does not apply): distances from section lines: _____ feet from the ☐ N. or ☐ S. Line, _____ feet from the ☐ E. or ☐ W. Line						
5. Parcel On Which Well Will Be Located (You must attach a current deed for the subject parcel)						
A. You must check and complete <i>one</i> of the following: ☒ Subdivision: Name <u>Willow Springs Estates</u> Lot <u>1</u> Block <u>7</u> Filing/Unit _____ ☐ County exemption (attach copy of county approval & survey) Name/# _____ Lot # _____ ☐ Parcel less than 35 acres, not in a subdivision attach a deed with metes & bounds description recorded prior to June 1, 1972, and current deed ☐ Mining claim (attach copy of deed or survey) Name/#: _____ ☐ Square 40 acre parcel as described in Item 4 (1/4 of the 1/4 is required) ☐ Parcel of 35 or more acres (attach metes & bounds description or survey) ☐ Other: (attach metes & bounds description or survey) _____						
B. # of acres in parcel 13.81		C. Are you the owner of this parcel? If no, list owner. ☒ YES ☐ NO _____				
D. Will this be the only well on this parcel? ☐ YES ☒ NO (if no – list other wells) Parcel will be divided with up to 2 more wells drilled						
E. Parcel ID# (optional): 5110001009						
6. Use Of Well (check applicable boxes)						
See instructions to determine use(s) for which you may qualify ☐ A. Ordinary household use in one single-family dwelling (no outside use) ☒ B. Ordinary household use in 1 to 3 single-family dwellings: Number of dwellings: <u>2</u> ☒ Home garden/lawn irrigation, not to exceed one acre: area irrigated <u>1</u> ☐ sq. ft. ☒ acre ☒ Domestic animal and poultry watering (non-commercial) Storage and augmentation associated with these uses ☐ C. Livestock watering (on farm/ranch/range/pasture)						
7. Well Data (proposed)						
Maximum pumping rate 15 GPM		Annual amount to be withdrawn 1.9 acre-feet				
Total Depth 280		Aquifer Dawson				
8. Water Supplier						
Is this parcel within boundaries of a water service area? ☐ YES ☒ NO If yes, provide name of supplier: _____						
9. Type Of Sewage System						
☒ Septic tank / absorption leach field ☐ Central system: District name _____ ☐ Vault: Location sewage to be hauled to: _____ ☐ Other (explain) _____						
10. Proposed Well Driller License # (optional):						
11. Sign or Enter Name of Applicant(s) or Authorized Agent						
The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.						
Sign or enter name(s) of person(s) submitting application				Date (mm/dd/yyyy) 12/2/2024		
If signing print name W. James Tilton						
Title Attorney for Applicant						
Office Use Only						

RESIDENTIAL WELL PERMIT APPLICATION INSTRUCTIONS (Page 2 of 3)

The form must be typed or printed in **DARK INK**. **A current deed for the subject parcel must be attached.** All changes on the form must be initialed and dated. **Attach additional sheets if more space is required. INCOMPLETE, POOR QUALITY, OR ILLEGIBLE FORMS CANNOT BE PROCESSED AND WILL BE RETURNED.** Applications are evaluated in chronological order. Please allow approximately seven weeks for processing.

To submit the application you will need to save the completed PDF form and email the PDF to: dwrpermitsonline@state.co.us Once the email is received you will receive an email, in addition to the response, with an attached invoice containing a link to submit payment online via eCheck or credit/debit card. Refer to the "Form Submittal, Payment Options and Fee Schedule" instructions, found under "Important Links" on the Well Permitting page (<https://dwr.colorado.gov/services/well-permitting>) for further information. Once the PDF form has been submitted you will receive an email with an attached invoice containing a link to submit payment online. This form will not be processed until the fee has been received. **Fees are nonrefundable.**

FEES: The filing fee for this application is **\$100**. Exceptions are as follows:

1. An application to replace or deepen an existing permitted well, which does not have a "-F" or "-R" suffix after the original permit number, into the same source (aquifer) for the same uses is **\$60**.
2. Applications to register an existing well and replace or deepen the well into the same source (aquifer) for the same uses is **\$100 if submitted together**. Use Form GWS-12 for the registration and Form GWS-44 for the replacement. If the intent is only to register an existing well use Form GWS-12. The forms are available from the [eForms Dashboard](#).

USES: This form (GWS-44) is to be used when applying for a permit for the following types of uses:

- A. Ordinary household use inside one single-family dwelling (NO outside water use allowed):** Generally, this is all that can be approved on parcels less than 35 acres, except in areas inside the [Designated Basins](#), limited areas on the Western Slope where the stream system is not overappropriated, for subdivisions under a court approved plan for augmentation that allow outside uses, and for wells constructed into certain [Denver Basin](#) aquifers.
- B. Ordinary household use in 1 to 3 single-family dwellings, irrigation of up to one acre of home garden and lawn, and watering of domestic animals and poultry:** Generally, permits can be approved with residential outside uses in addition to use inside the single family dwelling(s) on parcels of land of 35 or more acres, in areas inside the [Designated Basins](#), limited areas on the Western Slope where the stream system is not overappropriated, for subdivisions under a court approved plan for augmentation that allow outside uses, and for wells constructed into certain [Denver Basin](#) aquifers. The allowed residential uses will vary based on the property size, property location and the proposed aquifer.
- C. Livestock watering on farm, ranch, range, or pasture** (on parcels of 35 or more acres).

ITEM INSTRUCTIONS: (numbers correspond with those on the front of this form)

1. **(Applicant Information)** The applicant is the entity for whom the permit is to be issued. Since the well owner is ultimately responsible for the use of the well, their name should be in this area. The mailing address is where the applicant currently receives mail. For wells in a Denver Basin aquifer the Applicant must be the property owner.
2. **(Type of Application)** Check all boxes that apply. **If you check the box for Rooftop precipitation collection, you must also complete and submit Form No. GWS-78.** The form is available from the [eForms Dashboard](#).
3. **(Refer To)** Complete all boxes that apply.
4. **(Location of Proposed Well)** Provide the property address for the parcel on which the well is to be located. If it is the same as the mailing address, check the box that indicates that it is the same. **You must provide the county, ¼ of the ¼, section, township, range and principal meridian (P.M.)** in which the well will be located. You must also provide a point location unless the well qualifies under Rule 6.2.3 of the Water Well Construction Rules (Rule 6.2.3 requires that the point location be provided to the Division of Water Resources by the well driller once the well is drilled). Rule 6.2.3 does not apply in the following circumstances:
 - a. The location is decreed by a water court;
 - b. The well will be drilled in a Denver Basin aquifer;
 - c. Your application is for a permit to use an existing well.

When a point location is required it is recommended the well location be provided using GPS coordinates. The Location Converter tool (available on the DWR website at: <https://dwr.state.co.us/Tools/LocationConverter>) can be used to convert between Latitude/Longitude and UTM coordinates. If a UTM format location is not provided and the well does not qualify under Rule 6.2.3 you must provide the distances from section lines. The required GPS unit settings must be as indicated on this form. Colorado contains two UTM zones. Zone 13 covers most of Colorado. The boundary between Zone 12 and Zone 13 is the 108th Meridian (longitude). West of the 108th Meridian is UTM Zone 12 and east of the 108th Meridian is UTM Zone 13. The 108th Meridian is approximately 57 miles east of the Colorado-Utah state line. On most GPS units, the UTM zone is given as part of the Easting measurement, e.g. 12T0123456. Check the appropriate box. **When a point location is required, and GPS coordinates are not provided, you must specify the Distances of the well from the Section lines.**

RESIDENTIAL WELL PERMIT APPLICATION INSTRUCTIONS (Page 3 of 3)

5. **(Parcel on Which Well Will Be Located)** A current deed for the subject parcel must be attached. If the subject parcel is 35 or more acres, a complete metes and bounds type legal description or surveyor's plat map that references a section point is required to enable us to plot the parcel in our mapping system. If the parcel is less than 35 acres and not in a subdivision, a deed with metes and bounds legal description, **recorded prior to June 1, 1972** is required. Complete Items 5A through 5E (5E is optional). If you answered NO to Item 5C please indicate who the landowner is. If you are under a contract to purchase the subject property, please state this as well. If the parcel is inside the Denver Basin, the application must be in the name of and signed by, or their name entered by, the current landowner.
6. **(Use of Well)** See above comments under USES to determine those uses for which you may qualify, and then check the applicable box or boxes.
7. **(Well Data)** The **maximum pumping rate** is limited to 15 gpm for most residential type well permits. The **annual amount of water to be withdrawn** is a volume measured in acre-feet. One acre-foot equals 325,851 gallons. For ordinary household use inside one single-family dwelling and no outside use, the annual amount will be about 1/3 acre-foot. For ordinary household use in three single-family dwellings, one acre of home garden/ lawn irrigation, and watering of domestic animals, the annual amount will be about 3 acre-feet. For 100 head of livestock, the annual amount will be about 1.35 acre-feet. Please indicate the estimated **depth** of the proposed well. The proposed **aquifer** for the well must be indicated if the well is to be located within the Denver Basin (see Denver Basin Map), the San Luis Valley or in areas where it is believed the well will penetrate a confining layer. Aquifer information should be provided if known, for well locations outside of these areas.
8. The issuance of exempt well permits may depend on the availability of another source of water, pursuant to CRS 37-92-602(6), such as water from a municipality or water district. (Statutes can be accessed through the CDWR web site.) See Guideline 2003-5 for additional information.
9. Check the applicable box, and complete or attach any additional information as requested in this item.
10. Wells must be constructed by a Colorado licensed well driller, or under the "private driller" provision as defined in CRS 37-91-102(12). A listing of licensed well drillers/pump installers is available at <https://dwr.colorado.gov/services/well-construction-inspection>
11. **The well owner must sign or enter their name on the form in the signature block.** If **signing as a representative of a company** who owns the well, then your title must also be included in the title block. An authorized agent may also sign or enter their name on the application if a letter signed by the applicant or their attorney is submitted with the application authorizing that agent to sign or enter their name on the applicant's behalf. Put the date the application was signed (or name entered) in the date block. Wet or electronic signatures are acceptable. If providing a wet signature type or print the name in the print name block.

If you have questions, contact the Denver Office or the Division Office where the well is located or submit a question at: [AskDWR - Residential Well](#) for assistance. Contact information is available from our website at: <https://dwr.colorado.gov/about-us/contact-us>

Quit Claim Deed

(Pursuant to 38-30-116 C.R.S.)

Doc Fee: \$0.00

THIS DEED, made on May 8th, 2019 by NEAL V. EBY AND MYUNGHA EBY Grantor(s) of the County of El Paso and State of Colorado for the consideration of *** Ten Dollars and Other Good and Valuable Consideration *** dollars in hand paid, hereby sells and quitclaims to PAULA B. DONOHOO AND MARDELLE L. FRAZIER AND BRIAN D. FRAZIER Grantee(s), as Joint Tenants, whose street address is 8855 WALKER ROAD, COLORADO SPRINGS, CO 80908 County of El Paso, State of Colorado, the following legally described water rights:

THE FOLLOWING ANNUAL AMOUNTS OF GROUNDWATER UNDERLYING AND ASSOCIATED WITH LOT 1, BLOCK 7, WILLOW SPRINGS ESTATES, AS DECREED IN CONSOLIDATED CASE NOS. 99CW119, WATER DIVISION 2, AND 99CW143, WATER DIVISION 1, INCLUDING THE RIGHT TO WITHDRAW AND USE 1 ACRE-FOOT PER YEAR OF DAWSON AQUIFER GROUNDWATER PURSUANT TO THE TERMS AND CONDITIONS OF THE PLAN FOR AUGMENTATION DECREED THEREIN.

<u>AQUIFER</u>	<u>ANNUAL AMOUNT</u>
DAWSON	12.3 ACRE-FEET
DENVER	9.1 ACRE-FEET
ARAPAHOE	6.3 ACRE-FEET
LARAMIE-FOX HILLS	3.8 ACRE-FEET

Appurtenant to: LOT 1, BLOCK 7, WILLOW SPRINGS ESTATES, COUNTY OF EL PASO, STATE OF COLORADO.

also known by street and number as 8855 WALKER ROAD, COLORADO SPRINGS, CO 80908


NEAL V. EBY


MYUNGHA EBY

State of Colorado)

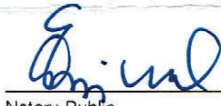
County of EL PASO)

Emily Weitzel
Notary Public
State of Colorado
Notary ID 20124001381
My Commission Expires January 23, 2020

The foregoing instrument was acknowledged before me on this day of May 8th, 2019 by NEAL V. EBY AND MYUNGHA EBY

Witness my hand and official seal

My Commission expires: 1/23/20


Notary Public

When recorded return to: PAULA B. DONOHOO AND MARDELLE L. FRAZIER AND BRIAN D. FRAZIER
8855 WALKER ROAD, COLORADO SPRINGS, CO 80908

