

Colorado Ground Water Commission
Findings and Order

In the matter of an application for replacement plan to allow the withdrawal of groundwater from the Denver aquifer in the Upper Black Squirrel Creek Designated Groundwater Basin

Replacement Plan No. 4864-RP

For Determination of Water Right No. 4864-BD

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

In compliance with section 37-90-107.5 of the Colorado Revised Statutes ("C.R.S.") and the Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1 ("Designated Basin Rules"), Mary Deconza-Winblad, Danny Wilson and Sandra Wilson ("Applicant") submitted an application for a replacement plan to allow the withdrawal of groundwater from the Denver Aquifer that has been allocated by Determination of Water Right No. 4864-BD.

Findings

1. Pursuant to section 37-90-107(7), C.R.S., in a Findings and Order dated May 11, 2026, the Ground Water Commission ("Commission") approved a Determination of a Right to an Allocation of Groundwater, No. 4864-BD, from the Denver Aquifer ("Aquifer"), summarized as follows.
 - a. The determination quantified an amount of water from beneath 38.46 acres of overlying land generally described as a portion of the SW1/4 of Section 36, Township 13 South, Range 64 West of the 6th P.M., in El Paso County ("Overlying Land").

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 2

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

- b. The amount of water in the aquifer that was allocated was 694 acre-feet, and the allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 6.94 acre-feet per year (subject to adjustment by the Commission to conform to actual local aquifer characteristics).
 - c. The use of groundwater is limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor) recreation, fire suppression, wildlife, and replacement either directly or after storage.
 - d. Withdrawal of the subject groundwater will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, the groundwater is considered to be not-nontributary, and Commission approval of a replacement plan providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to withdraw the subject groundwater.
2. The subject water is Designated Groundwater located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the withdrawal of the water by large capacity wells that are permitted pursuant to section 37-90-107(7), C.R.S.
3. Withdrawal of the subject groundwater would deplete the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, which, according to Rule 5.2.6.2, has been determined to be over appropriated. Such depletion would unreasonably impair existing large capacity alluvial rights withdrawing water from that alluvial aquifer.

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 3

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

4. Pursuant to Rule 5.6.1.A this plan must be adequate to prevent any material injury to water rights of other appropriators, which for purposes of this plan means large capacity wells withdrawing water from the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin.
5. Pursuant to Rule 5.3.6.2(C) the amount of replacement water shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping and if pumping continues beyond 100 years, shall replace actual impact until pumping ceases.
6. The application for the replacement plan was received by the Commission on July 29, 2025.
7. The Applicant proposes to divert .372 acre-feet annually from the Denver Aquifer for a period of 300 years. The Denver aquifer water will be withdrawn through one well to be located on one residential lot. The Denver Aquifer well is proposed to divert 0.372 acre-feet of water annually for in-house use, watering of domestic animals, livestock, fire suppression, wildlife, indoor and outdoor irrigation use, and replacement, either directly or after storage. The land on which the wells will be located is the Overlying Land described above.
8. At a continuous withdrawal of .372 acre-feet annually for 300 years, depletions to the alluvial aquifer system of the Upper Black Squirrel Creek Designated Groundwater Basin would steadily increase to 0.343 acre-feet per year in the 300th year, which is equal to 92.3% of pumping, as shown in Exhibit A.
9. The Applicant proposes to provide 0.45 acre-feet per year of replacement water to the alluvial aquifer system of the Upper Black Squirrel Creek Designated Groundwater Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 4

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

groundwater to be pumped under the plan, and septic and leaching field return flows from the in-house use of the groundwater pumped from a nontributary (4% replacement) Arapahoe aquifer well to be located on a second lot on the subject property. The Applicant estimates that return flows will consist of 90% of the water used for in-house purposes for the lot using the Denver aquifer well, and 86% of the water used for in-house purposes for the lot using the Arapahoe well (after accounting for the 4% return flows that must be returned to the alluvial aquifer under the Arapahoe well permit conditions). Assuming a total minimum annual amount for in-house use of 0.26 acre-feet, the return flows would be 0.23 and 0.22 acre-feet annually for the Denver and Arapahoe wells (respectively), with the return flows under the plan totaling 0.45 acre-feet per year for both lots at full build out.

10. The subject property is located within the drainage of Black Squirrel Creek, and the return flows will flow to the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin. The Applicant proposes to aggregate all replacements to the drainage in which the well or wells will operate, in accordance with Guideline 2007-1.
11. Pursuant to Rule 5.6.1.B this plan must be adequate to prevent unreasonable impairment of water quality. Pursuant to Rule 5.6.1.B.1.b, if the replacement source water is from an onsite wastewater treatment system permitted by a local health agency and the applicant demonstrates the source is in compliance with that permit there shall be a rebuttable presumption of no unreasonable impairment of water quality.
12. Pursuant to Rule 5.6.1.C this plan, including the proposed uses of the water withdrawn pursuant to the plan, must not be speculative, and must be technically and financially feasible and within the Applicant's ability to complete. The plan, including the proposed uses of the water withdrawn pursuant to the plan, is not speculative. The plan appears technically and

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 5

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

financially feasible and within the Applicant's ability to complete.

13. Pursuant to Rule 5.6.1.D this plan must be able to be operated and administered on an ongoing and reliable basis. The plan appears to be able to be operated and administered on an ongoing and reliable basis.
14. Pursuant to Rule 5.6.1.F replacement source water must be physically and legally available in time, place and amount to prevent material injury. As determined in Determination of Water Right No. 4864-BD water is currently available in the amounts and for the number of years proposed to be diverted.
15. Pursuant to Rule 5.6.1.G the replacement source water must be legally available for use. Records in this office indicate that the Applicant controls the water right to be used as the source of replacement water, consisting of Determination of Water Right No. 4864-BD, and such water is legally available for use pursuant to this plan.
16. In accordance with Rule 5.6.4 the application was referred to the Upper Black Squirrel Creek Ground Water Management District on January 27, 2026. Written recommendations from the District were received on February 16, 2026.
17. In accordance with sections 37-90-107.5, C.R.S. and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on February 5, 2026 and February 12, 2026. No objections to the application were received within the time limit set by statute.
18. According to Rule 5.6.1:
 - a. The Applicant has the burden of proving the adequacy of the plan in all respects.

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 6

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

- b. If the applicant meets its burden of proof, the Commission shall grant approval of the plan which shall include any terms and conditions established by the Commission.
19. The Commission Staff, having evaluated the application pursuant to section 37-90-107.5, C.R.S. and the requirements of Rule 5.3.6.2(C) and Rule 5.6, finds that the requirements have been met, and the plan may be approved to allow diversions from the Denver Aquifer if operated subject to the conditions given below.

Order

In accordance with section 37-90-107.5, C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of groundwater from the Denver Aquifer underlying 38.46 acres that are the subject of Determination of Water Right no. 4864-BD is approved subject to the following conditions:

- 20. The Denver Aquifer water will be withdrawn through one well to be located on one residential lot. The allowed use of groundwater for the well under this plan is in-house use, watering of domestic animals, livestock, fire suppression, wildlife, indoor and outdoor irrigation use, and replacement, either directly or after storage. The land on which the well will be located is the Overlying Land described above.
- 21. The allowed annual amount of groundwater to be withdrawn from the Aquifer by all wells operating under this plan shall not exceed .372 acre-feet.
- 22. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
- 23. Permanent records of all withdrawals of groundwater from each well shall be recorded at least annually by the well owners, permanently maintained, and

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 7

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

provided to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15th of the following year, or more often upon request.

24. Pumping under this plan is limited to a period of 300 years. The year of first use of this replacement plan shall be the calendar year of construction of a well permitted pursuant to this plan or permitting of an existing well pursuant to the plan.
25. Return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems located within the 38.46 acres of Overlying Land that are the subject of Determination of Water Right No. 4864-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
26. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A. Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5 year increment.
27. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan. The annual replacement requirement and the annual amount of replacement water provided shall be calculated and reported on a form acceptable to the Commission. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 8

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

28. The Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer.
29. To assure adequate return flows, the number of wells serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system must be equal to or greater than the number of wells shown in Table 1 below, or an amended or alternate replacement plan must be obtained that will replace actual depletions to the alluvial aquifer so as to prevent any material injury to water rights of other appropriators.

Table 1 - Number of wells required to meet the return flow requirements

Year	No. of Wells	Return Flow (af/yr)
1-80	1 - Denver aquifer well	0.23
80-300	2 - Denver and Arapahoe aquifer wells	0.45

30. The Applicant or their successor(s) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not limited to, those items identified below. The Applicant must submit records to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15th of the following year, or more often upon request. The Applicant or their successor(s) must provide combined accounting for all wells operated under this replacement plan on a single accounting form, unless otherwise approved by the Commission.

Replacement Plan No. 4864-RP, Determination No. 4864-BD

Page 9

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

- a. Identification of all well permits issued and wells constructed under this plan.
 - b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
 - c. The number of occupied dwellings served by each well.
 - d. The return flows occurring from use of all wells operating under the plan, assuming 0.23 and 0.22 acre-feet per year per occupied single family dwelling (90% and 86% of the water used for in-house purposes for the Denver and Arapahoe aquifer wells, respectively) enters the alluvial aquifer as replacement water.
31. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
 32. The Applicant or their successor(s) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, identification of the well that was sold and evidence that the new owner has been notified of their responsibilities under the replacement plan shall accompany that year's accounting.
 33. Should the property be subdivided, any covenants adopted for the subdivision should contain a description of the replacement plan, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be reported and the plan is to be administered.
 34. In the event the permitted well or wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting groundwater.

Replacement Plan No. 4864-RP, Determination No. 4864-BD

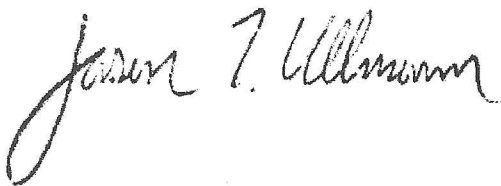
Page 10

Aquifer: Denver

Applicant: Mary Deconza-Winblad, Danny Wilson and Sandra Wilson

35. All terms and conditions of Determination of Water Right No. 4864-BD must be met.
36. Pursuant to Rule 5.6.1.E, a copy of this Findings and Order shall be recorded by the Applicant in the clerk and recorder's records of El Paso County, so that a title examination of the land on which the structures involved in this plan are located reveals the existence of this plan.

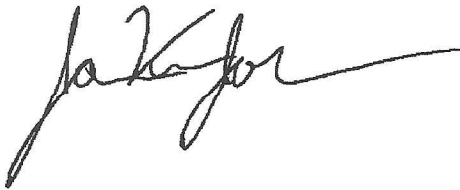
Dated this 11th day of May, 2026.



Jason T. Ullmann, P.E.

Executive Director

Colorado Ground Water Commission



Javier Vargas-Johnson

Chief of Water Supply, Designated Basins

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Prepared by: mbm

Exhibit A
Replacement Plan - Determination No.: -BD
Page 1 of 1

Designated Basin Summary Table for Danny and Sandra Wilson and Mary Deconza Winblad Pumping Rate of 0.372 acre-feet per year for 300 Years from the Denver aquifer Section(s): Section 36, T13S, R64W, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
5	0.4	0.024	6.3	155	0.4	0.303	81.7
10	0.4	0.046	12.2	160	0.4	0.306	82.4
15	0.4	0.066	17.7	165	0.4	0.309	83.1
20	0.4	0.085	22.8	170	0.4	0.311	83.8
25	0.4	0.103	27.6	175	0.4	0.314	84.4
30	0.4	0.119	32.0	180	0.4	0.316	85.0
35	0.4	0.134	36.1	185	0.4	0.318	85.5
40	0.4	0.148	39.8	190	0.4	0.320	86.1
45	0.4	0.161	43.4	195	0.4	0.322	86.5
50	0.4	0.173	46.6	200	0.4	0.323	87.0
55	0.4	0.185	49.7	205	0.4	0.325	87.4
60	0.4	0.195	52.5	210	0.4	0.327	87.9
65	0.4	0.205	55.1	215	0.4	0.328	88.2
70	0.4	0.214	57.6	220	0.4	0.329	88.6
75	0.4	0.223	59.9	225	0.4	0.331	88.9
80	0.4	0.231	62.0	230	0.4	0.332	89.3
85	0.4	0.238	64.0	235	0.4	0.333	89.6
90	0.4	0.245	65.9	240	0.4	0.334	89.9
95	0.4	0.251	67.6	245	0.4	0.335	90.1
100	0.4	0.257	69.3	250	0.4	0.336	90.4
105	0.4	0.263	70.8	255	0.4	0.337	90.6
110	0.4	0.268	72.2	260	0.4	0.338	90.9
115	0.4	0.273	73.6	265	0.4	0.339	91.1
120	0.4	0.278	74.8	270	0.4	0.339	91.3
125	0.4	0.282	76.0	275	0.4	0.340	91.5
130	0.4	0.287	77.1	280	0.4	0.341	91.7
135	0.4	0.290	78.1	285	0.4	0.341	91.9
140	0.4	0.294	79.1	290	0.4	0.342	92.0
145	0.4	0.297	80.0	295	0.4	0.343	92.2
150	0.4	0.301	80.9	300	0.4	0.343	92.3

Created by idc on January 06, 2026

Values for 'Depletion as a % of Pumping' (q/Q) are not calculated when the pumping rate (Q) is changed to anything but zero