

Colorado Ground Water Commission
Findings and Order

In the matter of an application for a determination of a right to an allocation of groundwater in the Upper Black Squirrel Creek Designated Groundwater Basin

Determination No.: 4864-BD

Aquifer: Denver

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

In compliance with section 37-90-107(7) 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 to the Colorado Ground Water Commission ("Commission") for a determination of a right to an allocation of designated groundwater from the Denver Aquifer.

Findings

1. The application was received by the Commission on July 29, 2025.
2. The Applicant requests a determination of right to an allocation of designated groundwater ("Determination") in the Denver aquifer ("Aquifer") underlying 38.46 acres, 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"). According to a Nontributary Groundwater Landownership Statement dated July 29, 2025, attached hereto as Exhibit A, the Applicant owns the 38.46 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.

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3. The Overlying Land is 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 designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor) recreation, fire suppression, wildlife, and replacement either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 38.46 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 38.46 acres of Overlying Land claimed by the Applicant is 719 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
 - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
 - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 110 feet.

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8. A review of the records in the Office of the State Engineer has disclosed that a well operating pursuant to section 37-90-105, C.R.S., (i.e. a small-capacity well), permit no. 224450, is located on the Overlying Land and is permitted to withdraw 1 acre-feet per year of groundwater from the Aquifer from beneath the Overlying Land. The applicant has indicated that permit no. 224450 will be canceled and the well re-permitted to operate pursuant to this Determination. The amount of water considered to have been historically withdrawn from the aquifer by this well is 25 acre-feet. In applying Rule 5.3.2.5 of the Designated Basin Rules to computing the amount of water available for allocation in this Determination, the amount of groundwater in the Aquifer underlying the Overlying Land available for allocation in this Determination is reduced by 25 acre-feet to 694 acre-feet. Except for that well, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the Aquifer underlying the Overlying Land.
9. Pursuant to section 37-90-107(7)(c)(III), C.R.S., an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), C.R.S., the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a), C.R.S. the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Designated Basin Rules.

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11. Large capacity well permits issued pursuant to section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 694 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 6.94 acre-feet per year.
 - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, C.R.S., by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7), C.R.S.
 - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or an alluvial aquifer at an annual rate greater than one-tenth of one percent (0.1%) of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is considered to be not-nontributary groundwater as defined in Rule 4.2.23 of the Designated Basin Rules. Also, the location of the land claimed by the Applicant is closer than one mile from the Aquifer contact with the alluvium. Withdrawal of water from the Aquifer underlying the Overlying Land would impact the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to

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section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators, is required prior to approval of well permits for wells to be located on this land area to withdraw the groundwater in the Aquifer underlying the Overlying Land. Pursuant to the Rules the replacement plan shall provide for the depletion of the 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, assuming water table conditions in the Aquifer.

12. Pursuant to section 37-90-105(1), C.R.S., the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On January 27, 2026, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on February 16, 2026.
15. In accordance with sections 37-90-107(7)(c)(II), C.R.S. and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on February 5,

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2026 and February 12, 2026. No objections to the application were received within the time limit set by statute.

Order

In accordance with section 37-90-107(7), C.R.S. and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Denver Aquifer underlying 38.46 acres of land, generally described as a portion of the SW1/4 of Section 36, Township 13 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 38.46 acres of Overlying Land allocated herein is 694 acre-feet ("Underlying Groundwater").
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), C.R.S., that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7), C.R.S.
19. Well permits issued pursuant to section 37-90-107(7), C.R.S., (i.e. large capacity wells) and this Determination are subject to the following conditions.
 - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 694 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn

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by small capacity wells issued permits pursuant to section 37-90-105, C.R.S. after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.

- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. Commission approval of a replacement plan, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators in the alluvial aquifer, is required prior to approval of well permits that allow the withdrawal of the Underlying Groundwater. The replacement plan shall provide for the depletion of the alluvial water for the first 100 years due to all previous pumping, and if pumping continues

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beyond 100 years shall replace actual impact until pumping ceases, assuming water table conditions in the Aquifer.

- f. The use of the Underlying Groundwater shall be 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. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 38.46 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
- g. The wells must be located on the above described 38.46 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Denver Aquifer.

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- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
 - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. Existing well permit no. 224450 must be canceled and a new permit issued for that well to operate pursuant to this Determination.
21. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 38.46 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
22. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

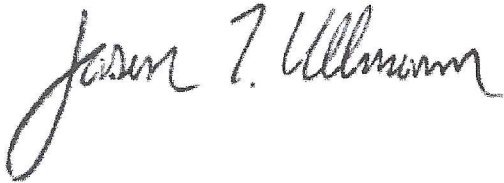
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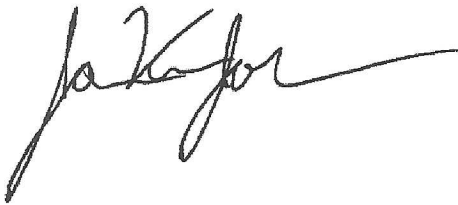
Dated this 11th day of May, 2026.

A handwritten signature in cursive script, reading "Jason T. Ullmann".

Jason T. Ullmann, P.E.

Executive Director

Colorado Ground Water Commission

A handwritten signature in cursive script, reading "Javier Vargas-Johnson".

Javier Vargas-Johnson

Chief of Water Supply, Designated Basins

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Prepared by: mbm