

EXHIBIT "A" TO  
DECLARATION OF  
CONDITIONS, COVENANTS, RESTRICTIONS AND EASEMENTS  
FOR CORNERSTONE ESTATES

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE COURSE ON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHERLY END BY A NO. 4 REBAR WITH A SURVEYOR'S CAP STAMPED "LS 3854",  $\pm$  1.0 FOOT BELOW EXISTING ASPHALT AND AT THE SOUTHERLY END BY A NO. 4 REBAR,  $\pm$  0.2 FOOT BELOW EXISTING ASPHALT, IS ASSUMED TO BEAR S00°30'39"E, A DISTANCE OF 2638.75 FEET.

COMMENCING AT THE NORTHEAST QUARTER CORNER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE S00°30'39"E ON THE EASTERLY LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2638.75 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 23;

THENCE S89°04'09"W, ON THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BIENG ON THE WESTERLY RIGHT-OF-WAY LINE OF GOODSON ROAD;

THENCE S89°04'09"W, CONTINUING ON THE SAID SOUTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 1310.26 FEET;

THENCE N00°30'48"W, A DISTANCE OF 1948.74 FEET;

THENCE N89°04'07"E, A DISTANCE OF 1310.34 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GOODSON ROAD;

THENCE S00°30'39"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GOODSON ROAD, A DISTANCE OF 1948.75 FEET TO THE POINT OF BEGINNING.

COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO  
ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK  
DESIGNATED GROUND WATER BASIN

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APPLICANT: ROBERT BARTLETT

AQUIFER: DENVER

DETERMINATION NO.: 1033-BD

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In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Robert Bartlett (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Denver Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on August 14, 2006.
2. The applicant requests a determination of rights to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 58.8 acres, generally described as the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23, Township 12 South, Range 65 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated August 11, 2006, the applicant owns the 58.8 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 58.8 acre land area.
6. The quantity of water in the aquifer underlying the 58.8 acres of land claimed by the applicant is 2,949 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
  - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 295 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
  8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 58.8 acres of overlying land claimed by the applicant is 29.5 acre-feet.
  9. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
  10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water 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.
  11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable 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.
  12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant 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 and, therefore, the ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
  13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
  14. On September 18, 2006, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.

Applicant: Robert Bartlett  
Aquifer: Denver  
Determination No.: 1033-BD

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on September 21 and 28, 2006.
17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
18. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

#### ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Denver Aquifer underlying 58.8 acres of land, generally described as the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23, Township 12 South, Range 65 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 29.5 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
21. 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.
22. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The place of use shall be limited to the above described 58.8 acre land area.

24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 58.8 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
  - a. The wells shall be located on the above described 58.8 acre overlying land area.
  - b. The wells must be constructed to withdraw water from only the Denver Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
  - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
  - e. 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
  - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.
26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 58.8 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Applicant: Robert Bartlett  
Aquifer: Denver  
Determination No.: 1033-BD

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Dated this 7th day of November, 2006.



Hal D. Simpson  
Executive Director  
Colorado Ground Water Commission

By: Keith Vander Horst  
Keith Vander Horst, P.E.  
Supervisor, Designated Basins

Prepared by: SKR

EXHIBIT A

1033-BD  
Page 1 of 1

GWS-1 (Rev, Sept 1996)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES

RECEIVED  
AUG 11 2006  
WATER RESOURCES  
DIVISION

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Robert Bartlett  
\_\_\_\_\_  
(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 58.8 acres in the County of El Paso, State of Colorado:

Tract in NE1/4, Section 23, Township 12 South, Range 65 West: Commencing at the NE corner of said

Section; thence southerly on said section line 690 feet to the point of beginning; thence continuing 1950 feet;

thence right angle 89<35'30" westerly 1340.31 feet; thence right angle parallel with the east line of said section,

1950 feet; thence right angle 90<24'30" easterly 1340.31 feet to the point of beginning

Except the eastern 30 feet.

and, that the ground water sought to be withdrawn from the Denver aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's withdrawal by another.

Further, I (we) claim and say that I (we) have read the statements made herein; know the contents hereof; and that the same are true to my (our) own knowledge.

Robert Bartlett 8/11/06  
Robert Bartlett (Date)

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

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

WELL OWNER'S STATEMENT AND  
REQUEST TO CANCEL A WELL PERMIT  
COLORADO GROUND WATER COMMISSION  
Room 818 Centennial Building, 1313 Sherman Street  
Denver, CO 80203

Form must be complete where applicable. Type or print in BLACK ink. No overstrikes or erasures unless initialed.

RECEIVED

NOTE: This form can only be used for wells located within a Designated Ground Water Basin.

AUG 14 2006

I, Robert Bartlett, am the owner of the well with Permit No. 209893 located in the NE 1/4 of the NE 1/4 of Section 23, Township 12 S Range 65 W West of the 6th P.M., and the owner of the land on which this well is located.

WATER RESOURCES  
STATE OF COLORADO

As owner of this well, I hereby request that the permit for the well be canceled and any water rights associated with this permit and well be abandoned if it is not re-permitted. I understand that this well must be plugged according to the Water Well Construction Rules upon cancellation of the permit and a Well Abandonment Report for the plugged well must be submitted to the Commission, unless the well is permitted for another use.

I hereby affirm that I have read and understand the above statement and the information I have provided is true and correct.

Signed and dated this 11 day of August, 2006

Signature of Applicant: Robert Bartlett

Applicant's Name: Robert Bartlett  
(Please Print)

Address: 11340 Goodson Road

City, State & Zip: Colorado Springs, CO 80908-4408

Telephone No.: 719-495-8786



**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR REPLACEMENT PLAN TO ALLOW THE WITHDRAWAL OF GROUND WATER FROM THE DAWSON AQUIFER IN THE UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN.

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APPLICANT: ROBERT BARTLETT

**REPLACEMENT PLAN – DETERMINATION OF WATER RIGHT NO. 1034-BD**

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In compliance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1, Robert Bartlett (referred to hereinafter as "applicant") submitted an application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer in accordance with Determination of Water Right No. 1034-BD.

**FINDINGS**

1. Pursuant to Section 37-90-107(7), CRS, in the Findings and Order dated November 7, 2006, the Ground Water Commission (hereinafter "Commission") approved a Determination of Water Right, No. 1034-BD, for the Dawson aquifer. This determination of water right allows the allocation of ground water from the Dawson Aquifer (hereinafter "aquifer"), underlying 58.8 acres, generally described as the SE $\frac{1}{4}$  the NE $\frac{1}{4}$ , and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23, all in Township 12 South, Range 65 West of the 6th Principal Meridian, in El Paso County.
2. The allowed average annual amount of ground water to be withdrawn from the aquifer, in accordance with the conditions of the above determination of water right, shall not exceed 31.7 acre-feet.
3.
  - a. In accordance with Rule 5.3.6 of the Designated Basin Rules, the replacement water requirement status for the ground water in the aquifer underlying the above described 58.8 acre land area was determined to be not-nontributary. Withdrawal of ground water from the aquifer underlying the above land area would impact the Kiowa-Bijou Designated Ground Water Basin Alluvial Aquifer, described in Designated Basins Rules 5.2.4.1 (hereinafter referred to as the "Kiowa-Bijou Alluvial Aquifer"), and the Upper Black Squirrel Creek Designated Ground Water Basin Alluvial Aquifer, described in Designated Basins Rules 5.2.6.1 (hereinafter referred to as the "Upper Black Squirrel Alluvial Aquifer"), which have been determined by the Commission to be over-appropriated; and the Upper Big Sandy Designated Ground Water Basin Alluvial Aquifer, described in Designated Basins Rules 5.2.7.1 (hereinafter referred to as the "Upper Big Sandy Alluvial Aquifer"), which has not been determined by the Commission to be over-appropriated.
  - b. Commission approval of a replacement plan, providing for replacement of actual depletions to the Kiowa-Bijou and Upper Black Squirrel Alluvial Aquifers and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on the above described land area to withdraw the allowed allocation of ground water from the aquifer, in accordance with the conditions of the subject determination of water right.

Replacement Plan - Determination No. 1034-BD

4. In accordance with Rule 5.3.6.2(C) of the Designated Basin Rules, the amount of replacement water shall provide for the replacement of depletions 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.
5. The above-described 58.8-acre land area is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction.
6. The subject application for replacement plan was received complete by the Commission on September 5, 2007.
7.
  - a. In accordance with Rule 5.6.1 of the Designated Basin Rules, the replacement plan must be adequate to prevent any material injury to water rights of other appropriators.
  - b. As proposed by the applicant, the replacement plan would allow for use of an annual amount of up to 2.0 acre-feet of water for individual wells serving five lots within a sixteen-lot subdivision for a period of 300 years. The use of each well would be limited to an annual withdrawal of 0.4 acre-feet of ground water; which breaks down to 0.3 acre-feet for in-house use, and 0.1 acre-feet for the irrigation of up to 1,500 square feet of lawns and gardens and the watering of up to two large domestic animals.
  - c. The applicant calculated actual depletions to the Kiowa-Bijou and Upper Black Squirrel Alluvial Aquifer systems for the proposed withdrawals with a ground water flow model (AUG 3) using the Colorado State Engineer's (SEO) Dawson aquifer DA02 data file, the output of which is attached hereto as Exhibit A. The total calculated depletions to the Kiowa-Bijou and Upper Black Squirrel Creek Alluvial Aquifers caused by the pumping of 2.0 acre-feet per year for 300 years would steadily increase to 0.22 acre-feet, or 11.05% of pumping, in the 300<sup>th</sup> year. Staff has determined the applicant's values to be acceptable.
  - d. Replacements for depletions are to be made to the Kiowa-Bijou and Upper Black Squirrel Alluvial Aquifers. The applicant proposes to aggregate all replacements to the drainage in which the wells will operate, in accordance with Guideline 2007-1.
  - e. The source of replacement water would be return flows from in-house use of ground water, to be withdrawn from five wells, including one existing well (permit no. 209893), which are to be permitted in accordance with the conditions of the subject determination and proposed replacement plan.
    - i. The applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. If each lot uses the total anticipated annual amount for in-house use (0.30 acre-feet), the per lot contribution amounts to 0.27 acre-feet. According to the applicants' calculations, at full build out, return flows will total 1.35 acre-feet per year.
    - ii. A totalizing flow meter will be installed on each well and kept in good working order.
    - iii. The subject property lies within the Black Squirrel Creek drainage. Return flows will flow through the alluvial material of an unnamed tributary to Black Squirrel Creek to the Upper Black Squirrel Alluvial Aquifer.

- iv. The applicant or their successor(s) will be responsible for administration of the replacement plan.
  - v. The approved replacement plan will be recorded in the real property records of El Paso County.
  - f. Operation of the replacement plan involves constructing the septic systems in compliance with State and County health department standards and, as a result, shall not cause unreasonable impairment of water quality of the receiving aquifer.
8. Records in this office indicate that the applicant controls the water right to be used as the source of replacement water, Determination No. 1034-BD.
  9. On September 27, 2007, in accordance with Rule 5.6.2 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
  10. In accordance with Sections 37-90-107.5 and 37-90-112, CRS, the application was published in The Ranchland News newspaper on October 4 and 11, 2007.
  11. No objections to the application were received within the time limit set by statute.
  12. The Commission Staff has evaluated the application pursuant to Section 37-90-107.5, CRS, and the requirements of Rule 5.3.6.2(C) and Rule 5.6 of the Designated Basin Rules.
  13. a. According to Rule 5.6.2 of the Designated Basin Rules, the applicant has the burden of proving the adequacy of the plan in all respects.  
  
b. The Commission Staff shall propose any additional terms and conditions or limitations, which are necessary to prevent material injury and to ensure that the plan is administrable and enforceable. Any such terms and conditions or limitations are incorporated into the following Order of the Commission.
  14. Upon Commission approval of this replacement plan, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the terms and conditions of the replacement plan and the conditions for well permit issuance in Determination of Water Right No. 1034-BD.
  15. Based on data and information supplied by the applicant, the subject replacement plan, if operated under the conditions of the following Order, will prevent material injury from occurring to the existing appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, or any other designated basin as a result of withdrawing ground water from the Dawson aquifer allocation pursuant to Determination of Water Rights 1034-BD.

### ORDER

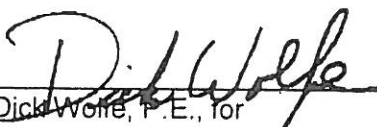
In accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for replacement plan, to allow the withdrawal of ground water from the Dawson Aquifer underlying 58.8 acres, generally described as the SE $\frac{1}{4}$  the NE $\frac{1}{4}$ , and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23, all in Township 12 South, Range 65 West of the 6th Principal Meridian, in accordance with Determination of Water Right No. 1034-BD, is approved subject to the following conditions:

16. Well permits for up to five individual on-lot wells shall be available upon application subject to approval by the Commission and the conditions for well permit issuance in the Commission's Findings and Order of November 7, 2006, for Determination of Water Right No. 1034-BD, and subject to the following terms and conditions of this replacement plan.
17. A totalizing flow meter or a Commission approved water flow measuring device shall be installed on each well. The well owners shall maintain the meters in good working order. Permanent records of annual withdrawal of ground water shall be maintained by each well owner and provided to the Commission upon request.
18. The allowed annual amount of ground water to be withdrawn from the aquifer by each permitted well shall not exceed 0.4 acre-feet. The total combined withdrawals by the four wells may not exceed 2.0 acre-feet annually.
19. The allowed use of ground water for each well under this plan is indoor needs for one single-family dwelling, irrigation of lawns and gardens not to exceed 1,500 square feet, the watering of up to two large domestic animals, and replacement supply. Place of use for each well shall be limited to the lot on which the well is located.
20. To assure adequate return flows, at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any irrigation or animal watering is allowed to be served by any of the five wells.
21. Return flows from in-house use of ground water within the five lots shall occur through individual on lot non-evaporative septic systems located within the above described 58.8-acre land area. To prevent unreasonable impairment of water quality, the septic systems shall be constructed to state and county health department standards.
22. 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.
23. A table showing net depletions to the affected alluvial aquifer in acre-feet per year is shown on the attached Exhibit A, based on an assumption of a continuous annual withdrawal from the aquifer of 2.0 acre-feet by all five wells. Replacement of depletions must be provided in the acre-feet amounts shown in Exhibit A. Replacement requirements may be computed using Exhibit A depletion values on a pro-rated basis between each ten-year value, or for simplicity may be equal to the amount shown in the next succeeding ten-year increment.

24. The applicant must provide the required annual amount of replacement water for the first 100 years. So long as at least one well continues to pump and supply an occupied dwelling, the plan's required replacement obligations, shown in Exhibit A, will be met. Should all five wells cease pumping for in-house use within the first 100 years, at least one well must either maintain pumping for replacement purposes, or an amended or alternate replacement plan must be applied for that will make the required replacement deliveries.
25. The applicant or their successor(s) must maintain permanent records, updated annually, containing the following items:
  - a. A listing of all well permits issued and wells constructed as a part of this plan.
  - b. The annual and cumulative acre-foot amounts of water diverted by each individual well, and by all wells in total.
  - c. Whether each individual well is serving an occupied dwelling.
  - d. Whether each individual well is serving irrigated landscaping, and amount of land being irrigated.
  - e. Whether each individual well is serving large domestic animal watering, and number of large domestic animals.
  - f. The return flows occurring from use of each well, assuming the following rate: 90% for in-house use.
26. The applicant or their successor(s) is fully responsible for the operation of the replacement plan. In the event the lots are sold, evidence of the sale and notification to the new lot owner of their responsibility to the replacement plan shall accompany the years accounting. The lot owners shall be responsible for the operation of the plan, and shall prepare all notices and reports required by the plan and provide these to the Commission along with any other information related to the operation of the replacement plan that may be requested by the Commission.
27. The applicant or their successor(s) shall record and maintain permanent records of all information, which shall include but is not limited to all flow meter reading and items mentioned under Paragraph 25, pertaining to the operation of and demonstration of compliance with this plan. Records shall be submitted to the Commission on forms acceptable to the Commission, on an annual basis for the previous calendar year by February 15<sup>th</sup> of the following year.
28. The applicant or their successor(s) shall assure that replacement water is provided to the alluvium as required by this plan. The amount of replacement water shall be calculated and reported on the applicant's submitted reporting form. The replacement water must equal or exceed the depletions to the alluvium on a yearly basis, and the replacement must prevent any material injury to the water rights of other appropriators. No credit shall be claimed by the applicant for an oversupply of replacement water provided to the alluvium during previous years.

29. To insure appropriate control of the subject water rights and sources of replacement water, and that each lot is able to obtain a well permit, the applicant shall transfer a sufficient portion of the underlying water either to each lot owner (if well permits will be applied for by the lot owners), or to the property owners association (if well permits will be applied for by the property owners association). Such transfers shall be by recorded deed, in accordance with the conditions of Paragraph 24 of the Commission's Orders for Determination No. 1034-BD.
30. Any covenants adopted for the future subdivision should contain a description of the replacement plan and how the plan is to be administered, including the required limitations on water use for each lot.
31. A copy of this Findings and Order shall be recorded by the applicant in the real property records of El Paso County, so that a title examination of the above described 58.8-acre property, or any part thereof, shall reveal to all future purchasers the existence of this replacement plan. The terms and conditions of this replacement plan shall be considered to be a covenant on and running with the subject property.
32. In the event the permitted wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting ground water.
33. The Commission retains jurisdiction to modify or revoke approval of this replacement plan, if monitoring or operating experience reveals that the plan results in any material injury to water rights of other appropriators or in unreasonable impairment to water quality.

Dated this 16th day of November, 2007.

  
\_\_\_\_\_  
Dick Wolfe, P.E., for  
Executive Director  
Colorado Ground Water Commission


By:   
\_\_\_\_\_  
Keith Vander Horst, P.E.  
Supervisor, Designated Basins

EXHIBIT A

Replacement Plan for 1034-BD

Page 1 of 1

Accounting Form  
Bartlett Property  
Case 07-GW-\_\_\_\_\_

DRAFT

			Year	2307	Example
			Amount	Units	
	Net Depletion From Last Year [3]	+	0	af	
	Alluvial Depletion from Table I rounded up to nearest 10 years since pumping began	+	0.22	af	
1	Total Depletion	=	0.22	af	
	Return Flow Factor (0.3*.9)	+	0.27	af/yr/home	
	Number of Homes This Year on Dawson Wells	*	5		
2	Return Flows In Black Squirrel Creek	=	1.35	af	
3	Accretion (Depletion) [If < 0 enter 0]	(1)-(2)	0	af	

Table I  
Alluvial Depletions

Yrs	Depletion Factor (as %)	Homes		Demand		af/yr	Depletion Factor (as %)	Depletion (af/yr)
		Depletion (af/yr)	5 Yrs	Depletion Factor (as %)	0.4			
10	0.31	0.01	110	5.38	0.11	210	8.98	0.18
20	0.39	0.01	120	5.83	0.12	220	9.25	0.19
30	0.46	0.01	130	6.26	0.13	230	9.51	0.19
40	0.55	0.01	140	6.67	0.13	240	9.75	0.20
50	0.63	0.01	150	7.05	0.14	250	9.99	0.20
60	0.73	0.01	160	7.42	0.15	260	10.22	0.20
70	0.83	0.02	170	7.75	0.16	270	10.44	0.21
80	0.92	0.02	180	8.09	0.16	280	10.65	0.21
90	1.03	0.02	190	8.39	0.17	290	10.85	0.22
100	1.15	0.02	200	8.70	0.17	300	11.05	0.22

	Lot No.	Permit No.	This Oct. 31	Last Oct. 31	Gallons	Acre Feet
			col. a	col. b	col. a - col. b.	
	1					0.4
	2					0.4
	3					0.4
	4					0.4
	5					0.4
7	Total					2

EXHIBIT "D" TO  
DECLARATION  
OF  
CONDITIONS, COVENANTS, RESTRICTIONS AND EASEMENTS  
FOR  
CORNERSTONE ESTATES

Possible Expansion Property

Section 23, Township 12 South, Range 65 West of the 6<sup>th</sup> Principal Meridian, County of  
El Paso, State of Colorado.