

**DECLARATION OF WATER COVENANTS
FOR
COLVIN HERITAGE FARMS MINOR SUBDIVISION**

Kevin Colvin and Michelle Colvin (collectively, "Declarant") are the sole owners of real property more particularly described as the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 12 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, excepting the South 30 feet for Road purposes, also known as 11545 and 11660 Green Acres Lane, Colorado Springs, Colorado 80908, and depicted on plat map attached **Exhibit A** and incorporated by this reference known as the Colvin Heritage Farms Minor Subdivision (the "Subdivision"). The Declarant desires to place limited protective covenants, conditions, restrictions, and reservations upon the Subdivision to protect the Subdivision's quality residential living environment, to protect its desirability, attractiveness, and value, and to ensure compliance with all applicable groundwater determinations concerning water and water rights to be utilized within the Subdivision.

The Declarant hereby declares that all of the Subdivision as hereinafter described, with all appurtenances, facilities and improvements thereon, shall be held, sold, used, improved, occupied, owned, resided upon, hypothecated, encumbered, liened, and conveyed subject to the following reservations, uses, limitations, obligations, restrictions, covenants, provisions and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Subdivision, and for assurance of legal water usage, and all of which shall run with the land and be binding on and inure to benefit of all parties having any right, title or interest in the Subdivision or any part thereof, their heirs, successors and assigns.

Certain documents are recorded in the real estate records of the Clerk and Recorder of El Paso County, Colorado at the reception numbers noted below, and referred to in this Declaration of Water Covenants as pertaining to the Subdivision. These include the Determinations of Water Rights for the underlying Denver Basin groundwater in Determination Nos. 3655-BD (Dawson), 3654-BD (Denver), 3653-BD (Arapahoe), and 3652-BD (Laramie-Fox Hills), and the associated Replacement Plan for 3655-BD, all attached hereto as **Exhibit B**.

NOW, THEREFORE, the following of Water Covenants is made:

1. Water Replacement Plan

A. Order. The subdivision shall be subject to the obligations and requirements set forth in the May 14, 2020 Approval for Replacement Plan No. 2 – Determination of Water Right No. 3655-BD for the Dawson aquifer, as recorded on

May 18, 2020 at Reception No. 220067636 of the records of the El Paso County Clerk and Recorder, which is incorporated by reference ("Replacement Plan"). The Replacement Plan concerns the water rights and water supply for the Subdivision and creates obligations upon the Subdivision and the Lot owners, which run with the land. The water supply for the Subdivision shall be by individual wells to the not-nontributary Dawson aquifer under the Replacement Plan.

2. Water Rights Ownership.

A. Declarant will transfer and assign to each Lot owner a proportionate prorata-per-acre interest in the not-nontributary Dawson aquifer, as well as the not-nontributary Denver aquifer, the nontributary Arapahoe aquifer, and nontributary Laramie-Fox Hills aquifer, as determined in the Ground Water Determinations as the physical source of supply. The existing and to-be-constructed Dawson aquifer wells on the Lots with Permit Nos. 84559-F and 84460-F shall be augmented per the Replacement Plan. Based on the Declarant's intent expressed in these Covenants that each Lot owner will be able to withdraw water from either the Dawson aquifer, in order to comply with El Paso County's 300-year water supply requirement, Declarant shall convey to each Lot owner at least 300 acre-feet (1 acre-feet per year for 300 years) of Dawson aquifer water.

B. The Declarant will further assign to the Lot owners all obligations and responsibilities for compliance with the Replacement Plan, including monitoring, accounting and reporting obligations. The owners shall assume and perform these obligations and responsibilities. By this assignment to the Lot owners, the Declarant is relieved of any and all responsibilities and obligations for the administration, enforcement and operation of the Replacement Plan. Such conveyance shall be subject to the obligations and responsibilities of the Replacement Plan and said water rights may not be separately assigned, transferred, or encumbered by the Lot owners. The Lot owners shall maintain such obligations and responsibilities in perpetuity, unless relieved of such replacement responsibilities by determination of the Ground Water Commission, or other properly entered administrative relief.

C. Each Lot owner's water rights in the not-nontributary Dawson aquifer underlying their respective Lot shall remain subject to the Replacement Plan, and shall, transfer automatically upon the transfer of title to each Lot as an appurtenance, including the transfer by the Declarant to the initial owner of a Lot, whether or not separately deeded. The ground water rights in the Dawson aquifer subject to the Replacement Plan cannot and shall not be severable from each respective Lot, and each Lot owner covenants that it cannot sell or transfer such ground water rights to any party separate from the conveyance of the Lot.

D. All not-nontributary Denver Basin groundwater in the Denver aquifer, nontributary Arapahoe aquifer, and nontributary Laramie-Fox Hills aquifer underlying each Lot, are likewise to be deeded, assigned and transferred to the overlying Lot owner on a prorata-per-acre basis, and may be used in said Lot owner's sole and complete discretion, subject to the terms and conditions of these Declarations and the Replacement Plan.

E. The Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer water rights conveyed to each Lot Owner, and return flows therefrom, shall not be sold, leased or otherwise used for any purpose inconsistent with the Replacement Plan and these Covenants, and shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered or encumbered.

3. Water Administration.

A. Each Lot owner shall limit the pumping of each individual Dawson aquifer well per Lot to a maximum of 1.00 acre feet annually, consistent with the Replacement Plan. Each Lot owner shall further ensure that the allocations of use of water resulting from such pumping as provided in the Replacement Plan is maintained, as between in-house, irrigation, stock water and other allowed uses. Each Lot owner shall use non-evaporative septic systems in order to ensure that return flows from such systems are made to the stream system to replace depletions during pumping and shall not be sold, traded or used for any other purpose. Each Lot owner shall administer the Replacement Plan and pumping of the individual Dawson aquifer wells. Such administration shall include, without limitation, accountings to the Colorado Division of Water Resources under the Replacement Plan and taking all necessary and required actions under the Replacement Plan to protect and preserve the ground water rights for all Lot owners. Each Lot owner has the right to specifically enforce, by injunction if necessary, the Replacement Plan against any other Lot owner for failing to comply with the Lot owner's respective obligations under the Replacement Plan, including the enforcement of the terms and conditions of well permits issued pursuant to the Replacement Plan, and the reasonable legal costs and fees for such enforcement shall be borne by the party against whom such action is necessary. The use of the not-nontributary Dawson aquifer ground water rights owned by each Lot owner is restricted and regulated by the terms and conditions of the Replacement Plan this Declaration, including, without limitation, that each Lot owner is subject to the maximum annual well pumping of 1.00 acre feet. Failure of a Lot owner to comply with the terms of the Replacement Plan may result in an order from the Division of Water Resources under the Replacement Plan to curtail use of ground water rights.

B. Each Lot owner shall promptly and fully account to the Division of Water Resources for total pumping from the individual well to the not-nontributary Dawson Aquifer on each Lot, including for any irrigation, stockwater or other permitted/allowed uses as provided under the Replacement Plan. The frequency of such accounting shall be annually, unless otherwise reasonably requested by the Division or Water Resources.

4. Well Permits.

A. Each Lot Owner shall be responsible for obtaining a well permit for the individual well to the not-nontributary Dawson aquifer for provision of water supply to their respective Lot, to the extent quantities deeded to such Lot owner are sufficient for such Lot owner's needs, or is responsible for ensuring an existing permit is in the Lot owner's name. All such Dawson aquifer wells shall be constructed and operated in compliance with the Replacement Plan, the well permit obtained from the Colorado Division of Water Resources, and the applicable rules and regulations of the Colorado Division of Water Resources. The costs of the construction, operation, maintenance, and repair of such individual well, and delivery of water therefrom to the residence located on such Lot, shall be at each Lot owner's expense. Each Lot owner shall comply with any and all requirements of the Division of Water Resources to log their well, and shall install and maintain in good working order an accurate totalizing flow meter on the well in order to provide the diversion information necessary for the accounting and administration of the Replacement Plan. It is acknowledged that well permits, and individual wells, may be in place on some of the Lots at the time of sale, and by this Declaration, no warranty as to the suitability or utility of such permits or structures is made nor shall be implied.

B. No party guarantees to the Lot owners the physical availability or the adequacy of water quality from any well to be drilled under the Replacement Plan. The Denver Basin aquifers which are the subject of the Replacement Plan are considered a nonrenewable water resource and due to anticipated water level declines, the useful or economic life of the aquifers' water supply may be less than the 100 years allocated by state statutes or the 300 years of El Paso County water supply requirements, despite current groundwater modelling to the contrary.

5. Compliance. The Lot owners shall perform and comply with all terms, conditions, and obligations of the Replacement Plan, and shall further comply with the terms and conditions of any well permits issued by the Division of Water Resources pursuant to the Replacement Plan, as well as all applicable statutory and regulatory authority.

6. Amendments. No changes, amendments, alterations, or deletions to this Declaration may be made which would alter, impair, or in any manner compromise

COLVIN HERITAGE FARMS MINOR SUBDIVISION

A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

That Kevin Colvin and Michelle Colvin, being the owners of the following described tract of land, to-wit:

The Southeast Quarter of the Southeast Quarter of Section 15,
Township 12 South, Range 65 West of the 6th Principal Meridian, El Paso County, Colorado,
AND

The Southeast Quarter of the Southeast Quarter of Section 15,
Township 12 South, Range 65 West of the 6th Principal Meridian, El Paso County, Colorado,
except the South 30 feet for road purposes.

Containing a calculated area of 862,493 square feet (19,800 acres), more or less.

OWNERS CERTIFICATION:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of interests in the above described tract of land, do hereby certify that the following described land is the same as shown on the plat of the COLVIN HERITAGE FARMS MINOR SUBDIVISION. The utility agreement shown on the plat is the same as shown on the plat. The undersigned are responsible for providing the services for which the easements are established and for the installation, maintenance, and replacement of utility lines and related facilities.

Kevin Colvin _____ Date _____

Michelle Colvin _____ Date _____

STATE OF COLORADO }
COUNTY OF EL PASO }
Subscribed before me this _____ day of _____, 2020 by Kevin Colvin and Michelle Colvin.

My commission expires _____
Witness my hand and official seal _____
Notary Public

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for COLVIN HERITAGE FARMS MINOR SUBDIVISION was approved for filing by the El Paso County Board of County Commissioners on this _____ day of _____, 2020, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land in this plat are subject to the final acceptance responsibility of El Paso County and the final approval of the Colorado Department of Transportation. The Board of County Commissioners hereby certifies that the requirements of the Colorado Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners _____ Date _____

COUNTY APPROVAL:

Approval is granted for this plat of COLVIN HERITAGE FARMS MINOR SUBDIVISION this _____ day of _____, 2020, A.D.

El Paso County Director of Planning and Community Development _____

El Paso County Assessor _____

VICINITY MAP



NOTES:

- This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine the status of all encumbrances of record, for all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a title search conducted by the Colorado Title Guaranty Company, 9555581032 with an effective date of 11/20/2019 at 5:00 P.M.
- Block of bearings is the east line of the property, monumented as shown and assumed to bear South 0 degree 18 minutes 00 seconds West.
- This property is located within Zone X (areas determined to be outside the 500-year floodplain) as established by FEMA per FRM panels 0804100320 G and 0804100335 G, effective date, December 7, 2018.
- Notice: According to Colorado law you must commence any legal action based on this plat within one year from the date of the certification shown hereon. Any action based upon any defect in this survey must be commenced more than ten years from the date of the certification shown hereon.
- The linear units used in this drawing are U.S. Survey feet.
- El Paso County Planning and Community Development Department Engineering must be contacted prior to the establishment of any driveway.
- The following reports have been submitted in association with the Final Plat for this subdivision and are on file at the County Planning and Community Development Department:
 - All property owners are responsible for maintaining proper storm water drainage in and through their property. Public storage easements as specifically noted on the plat shall be maintained by the individual owner. The easement shall be maintained in accordance with the drainage easements.
 - The addresses (11545 and 11860) exhibited on this plat is for informational purposes only. They are not the legal description and are subject to change.
 - Easements are as shown, and the sole responsibility for maintenance of these easements is hereby vested with the adjacent property owners.
 - Developer shall comply with federal and state laws, regulations, ordinances, rules and orders, including but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, US Army Corps of Engineers, and the National Wetlands Regulatory Program (Meadow Jumping Mouse).
 - Mallboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
 - Water Supply: Water service for this subdivision is provided by individual wells are the responsibility of each property owner. Property owners shall be responsible for obtaining their own water rights by the time the subdivision is set conditions for the issuance of these permits.

NOTES (continued):

- Best practices wastewater services for this subdivision is provided by individual septic systems. Sewage treatment is the responsibility of each individual property owner. The El Paso County Department of Public Health and Environment requires an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.
- Utility providers are: Black Hills Energy, Mountain View Electric Association, Century Link Communications.
- This property has been incorporated into the Black Forest Fire/Rescue Protection District.
- Sediment control is to be provided on each lot and the minimal developed conditions runoff shall be maintained per the El Paso County Drainage Criteria Manual.

SURVEYOR'S CERTIFICATION:

I, Mark S. Johannes, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on the land shown hereon, and that the same is in accordance with the provisions of the State laws and that said plat has been prepared in full compliance with the provisions of the State laws and that I am a duly registered Professional Land Surveyor in the State of Colorado.

This certification is neither a warranty nor guarantee, either expressed or implied.

Mark S. Johannes
Colorado Professional Land Surveyor No. 37439
For and on behalf of Compass Surveying and Mapping, LLC

FEES:

Drainage Fee: _____ School Fee: _____
Bridge Fee: _____ Park Fee: _____

RECORDING:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record in my office at _____ o'clock _____ M., this _____ day of _____, 2020, A.D., and is duly recorded under Reception No. _____ of the records of El Paso County, Colorado.

CHUCK BRIGMAN, RECORDER

By: _____ Deputy

SURCHARGE: _____

FEES: _____

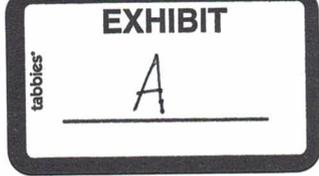
DSD FILE NO. MS _____

REVISIONS:

COMPASS SURVEYING & MAPPING, LLC
3249 WEST CANYON CIRCLE
COLORADO SPRINGS, CO 80917
TEL: 719.575.1111
WWW.CSMALC.COM



PROJECT NO. 19227
DATE: 11/20/2019
SHEET 1 OF 2



**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

REPLACEMENT PLAN NO. 2 - DETERMINATION OF WATER RIGHT NO. 3655-BD

AQUIFER: DAWSON

APPLICANT: KEVIN AND MICHELLE COLVIN

In compliance with section 37-90-107.5, C.R.S. and the Designated Basin Rules, 2 CCR 410-1 ("Rules" or "Rule"), Kevin and Michelle Colvin (Applicant) submitted an application for a replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer that has been allocated by Determination of Water Right No. 3655-BD.

FINDINGS

1. Pursuant to section 37-90-107.5, C.R.S., in a Findings and Order dated March 4, 2019, the Ground Water Commission (Commission) approved a Replacement Plan that allowed the withdrawal of 1 acre-foot per year of Dawson Aquifer groundwater allocated by Determination of Water Right No. 3655-BD. This replacement plan application submitted by the Applicant seeks to replace in its entirety the previously approved replacement plan.
2. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated March 4, 2019, the Commission approved a Determination of a Right to an Allocation of Groundwater, No. 3655-BD, from the Dawson Aquifer (Aquifer), summarized as follows.
 - a. The determination quantified an amount of groundwater from beneath 19.8 acres of overlying land generally described as part of the E 1/2 of the SE 1/4 of the SE 1/4, Section 15, Township 12 South, Range 65 West, Sixth P.M., in El Paso County.
 - b. The amount of groundwater in the aquifer that was allocated was 1,230 acre-feet.
 - c. The allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 12.3 acre-feet per year.
 - d. The use of groundwater is limited to the following beneficial uses: domestic, including in house, landscape/irrigation of lawn and gardens, pasture irrigation and watering of domestic animals and stock.
 - e. In accordance with Rule 5.3.6 the 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.
3. The subject water is Designated Groundwater located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and the Upper Black Squirrel Creek Groundwater 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.
4. Withdrawal of the subject groundwater would deplete the alluvial aquifer of the Kiowa-

Creek Designated Groundwater Basin, both of which, according to Rules 5.2.4.2 and 5.2.6.2, respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing large capacity alluvial rights withdrawing water from those alluvial aquifers.

5. 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 Kiowa-Bijou Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin.
6. 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.
7. The application was received by the Commission on November 20, 2019.
8. The Applicant proposes to divert 2 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through two wells to be located within the 19.8 acres of overlying land that are the subject of Determination of Water Right No. 3655-BD. The existing well constructed under permit no. 310053-A shall be re-permitted pursuant to this Replacement Plan and a permit for a new proposed well shall be applied for. Well permit no. 83066-F, issued pursuant to the replacement plan dated March 4, 2019 for a well that has not been constructed, is to be cancelled. Each Dawson Aquifer well is proposed to divert 1 acre-feet of water annually for use in-house use (0.25 acre-feet), landscape/irrigation of lawn, garden and pasture and the watering of domestic animals and livestock (0.75 acre-feet).
9. At a continuous withdrawal of 2 acre-feet annually for 300 years, depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Basin would steadily increase to 0.064 acre-feet per year in the 300th year, which is equal to 3.21% of pumping, as shown in Exhibit A.
10. 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 groundwater to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. Assuming each house uses a total annual amount for in-house use of 0.25 acre-feet, the return flow per lot would be 0.225 acre-feet annually, and the return flows under the plan will total 0.45 acre-feet per year for the two houses at full build out.
11. The subject property is located within the drainage of Black Squirrel Creek, and the return flows will flow to the alluvial aquifer of the Upper Black Squirrel Creek 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.
12. 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.

13. 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 financially feasible and within the Applicant's ability to complete.
14. 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.
15. 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. 3655-BD water is currently available in the amounts and for the number of years proposed to be diverted.
16. 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. 3655-BD, and such water is legally available for use pursuant to this plan.
17. On March 17, 2020, in accordance with Rule 5.6.2 of the Designated Basin Rules, written recommendations concerning this application were referred from the Upper Black Squirrel Creek Groundwater Management District. Written recommendations from the District were received on April 13, 2020.
18. In accordance with Sections 37-90-107.5 and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on March 19, 2020 and March 26, 2020. No objections to the application were received within the time limit set by statute.
19. According to Rule 5.6.1:
 - a. The Applicant has the burden of proving the adequacy of the plan in all respects.
 - 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 the Commission.
20. The Commission Staff has 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 meet, and the plan may be approved to allow diversions from the Dawson 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 Dawson Aquifer underlying 19.8 acres that are the subject of Determination of Water Right no. 3655-BD is approved subject to the following conditions:

21. Approval of this replacement plan hereby cancels the Kevin and Michelle Colvin replacement plan approved by the Commission in a Findings and Order dated March 4, 2019.

22. The Dawson Aquifer water will be withdrawn through two wells to be located within the 19.8 acres of overlying land that are the subject of Determination of Water Right No. 3655-BD. The existing well constructed under permit no. 310053-A shall be re-permitted pursuant to this Replacement Plan and a new permit for a proposed well shall be applied for. Existing well permit no. 83066-F must be cancelled. Each Dawson Aquifer well is proposed to divert 1 acre-feet of water annually for in-house use, landscape/irrigation of lawn, garden and pasture and the watering of domestic animals and livestock.
23. The allowed annual amount of groundwater to be withdrawn from the aquifer by all wells operating under this plan shall not exceed 2 acre-feet. The allowed annual amount of water to be withdrawn from each well shall not exceed 1 acre-foot.
24. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
25. Permanent records of all withdrawals of groundwater from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission and the Upper Black Squirrel Creek Groundwater Management District upon request.
26. 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.
27. Return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems located within the 19.8 acres of overlying land that are the subject of Determination of Water Right No. 3655-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
28. 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.
29. 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.
30. 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.
31. 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 wells.
32. 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 wells cease pumping for in-house use within the first 100 years 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.

33. The Applicant (and their successors) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not be limited to, those items identified below. The Applicant must submit records to the Commission and the Upper Black Squirrel Creek Groundwater Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15th of the following year.
- 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 number of square feet irrigated by each well.
 - e. The number of large domestic animals served by each well.
 - f. The return flows occurring from use of all wells operating under the plan, assuming 0.225 acre-feet per year per occupied single family dwelling (90% of the water used for in-house purposes) enters the alluvial aquifer as replacement water.
 - g. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
34. The Applicant (and their successors) 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.
35. If the property is subdivided, any covenants adopted for the 19.8 acres 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.
36. 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.
37. All terms and conditions of Determination of Water Right No. 3655-BD must be meet.
38. 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 14th day of May, 2020.



Kevin G. Rein, P.E.
Executive Director
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.
Chief of Water Supply, Basins

Exhibit A
 Replacement Plan No. 2 - Determination No.: 3655-BD
 Page 1 of 1

Designated Basin Summary Table for Kevin and Michelle Colvin
 Pumping Rate of 2 acre-feet per year for 300 Years from the Dawson aquifer
 Section(s): Section 15, T12S, R65W, 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	2.0	0.0000	0.00	155	2.0	0.0291	1.45
10	2.0	0.0001	0.01	160	2.0	0.0304	1.52
15	2.0	0.0003	0.01	165	2.0	0.0317	1.58
20	2.0	0.0005	0.03	170	2.0	0.0329	1.65
25	2.0	0.0009	0.04	175	2.0	0.0342	1.71
30	2.0	0.0013	0.07	180	2.0	0.0355	1.77
35	2.0	0.0019	0.09	185	2.0	0.0367	1.84
40	2.0	0.0025	0.13	190	2.0	0.0380	1.90
45	2.0	0.0033	0.16	195	2.0	0.0392	1.96
50	2.0	0.0041	0.20	200	2.0	0.0405	2.02
55	2.0	0.0050	0.25	205	2.0	0.0417	2.09
60	2.0	0.0059	0.30	210	2.0	0.0429	2.15
65	2.0	0.0069	0.35	215	2.0	0.0442	2.21
70	2.0	0.0080	0.40	220	2.0	0.0454	2.27
75	2.0	0.0091	0.45	225	2.0	0.0466	2.33
80	2.0	0.0102	0.51	230	2.0	0.0478	2.39
85	2.0	0.0114	0.57	235	2.0	0.0490	2.45
90	2.0	0.0126	0.63	240	2.0	0.0502	2.51
95	2.0	0.0138	0.69	245	2.0	0.0514	2.57
100	2.0	0.0150	0.75	250	2.0	0.0526	2.63
105	2.0	0.0163	0.81	255	2.0	0.0538	2.69
110	2.0	0.0175	0.88	260	2.0	0.0549	2.75
115	2.0	0.0188	0.94	265	2.0	0.0561	2.80
120	2.0	0.0201	1.00	270	2.0	0.0573	2.86
125	2.0	0.0214	1.07	275	2.0	0.0584	2.92
130	2.0	0.0227	1.13	280	2.0	0.0596	2.98
135	2.0	0.0239	1.20	285	2.0	0.0607	3.04
140	2.0	0.0252	1.26	290	2.0	0.0619	3.09
145	2.0	0.0265	1.33	295	2.0	0.0630	3.15
150	2.0	0.0278	1.39	300	2.0	0.0641	3.21

Created by AAT on November 27, 2019
 Values for 'Depletion as a % of Pumping' (q/Q) are not calculated when the pumping rate (Q) is changed to anything but zero