

# WATER SUPPLY INFORMATION SUMMARY

Section 30-28-133(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality and dependability will be available to ensure an adequate supply of water.

## 1. NAME OF DEVELOPMENT AS PROPOSED

Colvin Heritage Farms Minor Subdivision

## 2. LAND USE ACTION

Minor Subdivision

## 3. NAME OF EXISTING PARCEL AS RECORDED

11545 and 11660 Green Acres Lane- see Attached Deeds.

SUBDIVISION

FILING

BLOCK

LOT

4. TOTAL ACREAGE 19.8

5. NUMBER OF LOTS PROPOSED 2

PLAT MAP ENCLOSED ☒ YES

Proposed Plat Attached as EXHIBIT A

## 6. PARCEL HISTORY - Please attach copies of deeds, plats or other evidence or documentation.

See attached EXHIBIT B

A. Was parcel recorded with county prior to June 1, 1972? ☐ YES ☒ NO

B. Has the parcel ever been part of a division of land action since June 1, 1972? ☐ YES ☒ NO

If yes, describe the previous action \_\_\_\_\_

## 7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner.

See attached EXHIBIT A Proposed Plat

SE 1/4 OF SE 1/4 SECTION 15 TOWNSHIP 12 ☐ N ☒ S RANGE 65 ☐ E ☒ W

PRINCIPAL MERIDIAN: ☒ 6TH ☐ N.M. ☐ UTE ☐ COSTILLA

## 8. PLAT - Location of all wells on property must be plotted and permit numbers provided.

Surveyors plat ☒ Yes ☐ No

If not, scaled hand drawn sketch ☐ Yes ☐ No

See attached EXHIBIT A

## 9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Feet per Year

HOUSEHOLD USE # 2 of units \_\_\_\_\_ GPD 0.25 AF

COMMERCIAL USE # \_\_\_\_\_ of S.F. \_\_\_\_\_ GPD \_\_\_\_\_ AF

IRRIGATION # 2.0 of acres \_\_\_\_\_ GPD 1.4 AF

STOCK WATERING # 8 of head \_\_\_\_\_ GPD 0.088 AF

OTHER \_\_\_\_\_ GPD \_\_\_\_\_ AF

TOTAL \_\_\_\_\_ GPD 2.0 AF

## 10. WATER SUPPLY SOURCE

☒ EXISTING WELLS ☐ DEVELOPED SPRING

WELL PERMIT NUMBERS

84559-F and 84460-F  
one existing and one  
to-be constructed (Dawson aquifer)

☐ MUNICIPAL  
☐ ASSOCIATION  
☐ COMPANY  
☐ DISTRICT

NAME \_\_\_\_\_  
LETTER OF COMMITMENT FOR  
SERVICE ☐ YES ☐ NO

### ☒ NEW WELLS -

PROPOSED AQUIFERS - (CHECK ONE)

☐ ALLUVIAL ☐ UPPER ARAPAHOE  
☐ UPPER DAWSON ☐ LOWER ARAPAHOE  
☐ LOWER DAWSON ☐ LARAMIE FOX HILLS  
☐ DENVER ☐ DAKOTA  
☐ OTHER \_\_\_\_\_

### WATER COURT DECREE CASE NO.'S

Ground Water Commission  
Determination Nos. 3655-BD,  
3654-BD, 3653-BD, and 3652-BD,  
along with Replacement Plan  
associated with 3655-BD  
(attached as Exhibit C)

## 11. ENGINEER'S WATER SUPPLY REPORT ☐ YES ☐ NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)

See Water Resources Report, submitted in conjunction with this WSIS.

## 12. TYPE OF SEWAGE DISPOSAL SYSTEM: Non-evaporative individual septic disposal system

☒ SEPTIC TANK/LEACH FIELD

☐ CENTRAL SYSTEM - DISTRICT NAME \_\_\_\_\_

☐ LAGOON

☐ VAULT - LOCATION SEWAGE HAULED TO \_\_\_\_\_

☐ ENGINEERED SYSTEM (Attach a copy of engineering design)

☐ OTHER \_\_\_\_\_

# WATER RESOURCES / PERFORMANCE REPORT

## CHECKLIST

PROJECT NAME: \_\_\_\_\_  
SUBMITTAL DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
SUBMITTED BY: \_\_\_\_\_  
SUBMITTAL REVIEWED BY: \_\_\_\_\_

### **Water Resources Report**

The Water Resource Report shall document the requirements of Section 49.5 of the Land Development Code and shall include the following data, documentation and analysis:

#### **A. Summary of the proposed subdivision:**

1. Location including streets, Township and Range, a copy of all maps required with Sketch and Preliminary Plan and Final Plat submittals, and legal description. ☐
2. Description of subdivision including acreage of each proposed land use, number of dwelling units, etc. For phased projects the description shall clearly describe the acreages, land uses and number of units of each phase. The location of each proposed land use shall be shown on appropriate maps. ☐

#### **B. Determination of sufficient quantity of water:**

1. Calculation of water demand:  
Separate calculations of the type, number and annual water requirements of existing, proposed and potential maximum uses of the site and a general timetable when such demands are expected. See Section 49 D.3. of the *Land Development Code* for methods of determining water demand. ☐
2. Calculation of quantity of water available:
  - a. Clearly identify and describe each source of water. ☐
  - b. Include a map showing the location of any off-site water to be used and the location of major water transmission lines, reservoirs, etc. ☐
  - c. Calculate the quantity of water available from each source. Onsite and off-site sources shall be determined independently. ☐
  - d. Ground water sources:
    1. List each aquifer to be used. Identify each aquifer as tributary, nontributary, not nontributary or from a designated basin. Identify renewable and non-renewable aquifers. Discuss the need for and the status of any augmentation plans required to use the proposed supply. ☐
    2. Describe the annual and the three hundred (300) year quantity of water available from each proposed aquifer ☐



3. Discuss location, construction and production details of existing and proposed production wells. The following shall be included:

a. Estimated number, size and short- and long-term yields of wells necessary to serve the proposed subdivision; estimated life expectancy of wells; estimated short- and long-term well development schedule indicating probable timing of bringing additional wells on line ☐

b. A map showing locations of wells to be used during the first five (5) years of the subdivision and probably locations of wells in the out years. ☐

c. Well drilling logs and well completion reports. ☐

d. Pumping test data and analysis, including data and analysis of constant rate and step drawdown tests ☐

e. Surface water sources:

1) List each surface water supply to be used. Identify each source as tributary, nontributary, or from a designated basin. Discuss the need for and the status of any augmentation plans required to use the proposed supply. ☐

2) Describe the annual and the three hundred (300) year quantity of water available from each proposed surface water supply. ☐

3) Calculate the number of years of water supply. For phased projects the calculation shall delineate the years of water available for each phase. ☐

C. Determination of sufficient dependability of water supply:

1. Proof of ownership or right of acquisition of use of existing or proposed water rights sufficient in quality, quantity and dependability to serve the proposed use. Include well permits, court decrees, well permit applications, export permits, etc. ☐

2. Financial plan and capital improvements plan of water provider. ☐

3. Description of the water supply, location shown on maps, and, when appropriate, engineering designs of existing and proposed water supply facilities, including wells, storage facilities, major transmission lines, etc. ☐

4. Calculations demonstrating that the aquifers are capable of supplying the required quantity of water and analysis showing the wells are capable of producing the required water supplies, if ground water is to be used. ☐

5. If a public or private water source is to be used, evidence that the source can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to the area. This evidence shall, in addition to the data required in Sections 49.5 and 51.2, include the following information:

a. A letter indicating a commitment to serve. ☐

b. Name and address of the municipality, quasi-municipality, or water company which will supply the water. ☐

- c. Current capacities of the existing system. ☐
- d. Total amount of current and committed use. ☐
- e. Amount and timing of water to be supplied to the subdivision. This requirement does not apply to subdivisions to be supplied by individual wells. ☐

6. Evidence that short-term water supply needs of the subdivision can be met to satisfy fire demand and reduction of supplies as a result of flooding, and damaged or otherwise incapacitated systems. Short-term dependability can be satisfied by such features as reservoirs, standby wells and standby connections with other water supply or distribution systems. ☐

**D. Determination of sufficient quality and potability of water:**

- 1. Chemical analyses of proposed water from each proposed source. ☐
- 2. Evidence of compliance with County and/or State water quality standards. ☐
- 3. Discussion of potential for water quality degradation from onsite and off-site sources. ☐

**E. Requirements of the State Engineer:**

State statute requires the State Engineer to review all proposed water supplies. The State Engineer requires a narrative discussion. The following is the minimal information requirements of the State Engineer for "minor subdivisions":

- 1. Plat and legal description of the property and a description of previous actions of the State Engineer's Office regarding the property (e.g. previous exemptions, well permit applications). ☐
- 2. Well permit number or numbers of existing and permitted wells when available. Names of previous owners, dates of well construction, depth, etc., if permit numbers are not available. ☐
- 3. Use of water supply on the property as it now exists. Include number and locations of dwellings supplied, area of irrigated lawn and garden, water use for livestock, etc. ☐
- 4. Proposed water supply. Description of wells or water provider to be used for each lot and what aquifer(s) the applicant intends to use. ☐
- 5. Water requirements for each proposed lot. Include quantity to be used for dwellings, irrigation and livestock. It is not necessary to include this information for subsection 8.e. as a separate discussion item provided it is included in the Water Resources Report. ☐

**F. Public and private commercial water providers:**

Although it is the responsibility of the applicant to provide information regarding the availability of water supplies from any source, including public and private commercial water providers, many providers have elected to submit a general Water Resource Report. Such a report may then be used to evaluate the water resources available for a series of projects within their service area.

**1. Water providers report:**

In those cases where the water provider submits a general Water Resources Report, it is requested that the report be updated annually, preferably in January or February. Update information should include:



- a. volume of water sold in the previous year, ☐
- b. new water acquisitions, augmentation plans, etc., ☐
- c. water trades or other losses of water supplies, ☐
- d. anticipated water acquisitions for the upcoming year, ☐
- e. legal documentation accompanying new water acquisitions and augmentation plans, ☐
- f. major capital improvements accomplished during the past year and anticipated major capital improvements for the upcoming year, and ☐
- g. other information which would be useful in evaluating the availability of water supplies. ☐

**2. Annual County Report:**

The County will prepare preliminary and final reports containing an analysis of the water availability of those water providers who elect to submit an annual Water Resources Report. These County reports will be jointly prepared by the County Hydrogeologist, County Attorney, Planning Department and the County Department of Health and Environment. The preliminary report will be issued in January and will include a summary of the past year's subdivision and building activity. The Final County Report will be issued after receipt of the water providers' Water Resource Reports. After the water provider has had the opportunity to review and comment on the Final County Report, the report will be used for the following twelve (12) months as the basis for evaluating the availability of water supplies for proposed projects.

G. Other relevant information as deemed necessary.

**Water Performance Report**

For lots of between two and one-half (2 ½) and five (5) acres, where individual wells are proposed, a report conforming to the following standards shall be submitted in addition to the report outlined in Section 51.2. The report shall be prepared by a registered professional engineer licensed to practice in Colorado and shall include the following information:

- A. A map drawn to the same scale as the preliminary plan, locating all lots, water-forms, drainageways, floodplains, cones of influence (if applicable), aquifers, and surface or subsurface hazards. Individually noted shall be any point sources of water pollution or identified polluted waterforms. Water quality of aquifers and surface waters on and immediately adjacent to the site shall be noted.. ☐
- B. A report addressing the following:
  - 1. Location, type, depth (estimated maximum), pumping rates capacity of all wells existing or proposed on the site or within three hundred (300) feet of the site. Also noted shall be casing requirements, water table depth, aquifers, and water requirement per well (2.25 ac ft./yrs. shall be the maximum usage rate). ☐
  - 2. An analysis of soils, subsurface geology, hydrology, aquifer recharge capability, aquifer characteristics, and relationship to surface waterforms. Said analysis shall identify any probably well interference or the interference

with surface waterforms and shall describe the maximum probable cones of influence of wells relative to adjoining wells, waterforms, and leach fields. Analysis shall include identification of probable impacts on adjoining wells, agricultural uses, and general aquifer level stability.

☐

3. The report shall identify maximum number of lots and minimum lot sizes.

☐

4. The availability of a central water system and the feasibility of inclusion into such a system. If there is a central water system within one (1) mile of the proposed subdivision or if the subdivision is within an organized water district or municipality is incapable of serving the site, exclusive of line extension costs.

☐

5. The County Health Department, Planning Director, or State Engineer may require the developer to submit additional engineering or geological reports or data and to conduct a study of the economic feasibility of a public water system prior to making recommendations. No plan or plat shall be forwarded to the County Commissioners for final approval without the approval of the Planning Director and the County Health Department or State Engineer except as otherwise provided for herein.

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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

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

The Northeast 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,  
about the South 30 feet for road purposes

Containing a calculated area of 862.493 square feet (19,8001 acres), more or less.

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown herein under the name and subdivision of **COLUMBIAN HERITAGE FARM SUBDIVISION**. The utility easements shown herein are hereby dedicated to the public utilities and communication systems and other purposes as shown herein. The undersigned are responsible for providing the services for which the easements are dedicated. The undersigned hereby grant, convey, and reserve to the public the easements and other properties for the use and enjoyment of the public, and the use and enjoyment of the easements and other properties for the preparation, placement, and use of utility lines and related facilities.

Kevin Conlin Date \_\_\_\_\_

[illegible]

STATE OF COLORADO } ss

County of El Paso )  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by Kevin Colvin and

My commission expires

offense on board and officer: and

This plan for **QUINN HERITAGE FARMS** SUBDIVISION was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, subject to any notes specified herein and any conditions included in the resolution of 2020. The dedications of land to the public (Public Utility Easements) are accepted, but no improvements thereon will not become the maintenance responsibility of El Paso County until the preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual and the Subdivision

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Approval is granted for this plot of COLVIN HERITAGE FARMS MINOR SUBDIVISION this \_\_\_\_\_ day of \_\_\_\_\_, 2000. A. D.

[illegible]

El Paso County Assessor

COMPASS SURVEYING & MAPPING, LLC  
249 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
93544120  
WWW.CSAMILLC.COM



- 14) Wastewater: Wastewater service for this subdivision is provided by individual septic systems. Sewage treatment is the responsibility of each individual property owner, and the El Paso County Department of Health and Environment must approve each prior to construction. In some cases the Department may require an engineer design, install, and maintain permit approval. These systems may cost more to design, install, and maintain.
- 15) Utility providers are: Black Hills Energy, Mountain View Electric Association, Century Link.

- 16) This property has been incorporated into the Black Forest Fire/Rescue Protection District.
- 17) Sediment control is to be provided on each lot and the minimal developed conditions coefficient shall be maintained per the El Paso County Drainage Criteria Manual.

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 date of survey shown herein, by me or under my direct supervision and that all monuments exist as shown herein; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

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

- 1) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a Commitment for Title Insurance issued by Old Republic National Title Insurance Company, Orlando, 9515081052 with an effective date of 11/29/2019 at 5:00 P.M.
- 2) Basis of bearings is the east line of the property, monumented as shown and assumed to

- This property is located within Zone X (Areas determined to be outside the 100-year flood zone) and all final permits must comply with FEMA-10333-01-0001 effective date December 7, 2018.
- Note: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after your first discovery such defect. In no event shall the statute of limitations for commencing such action be commenced more than ten years from the date of the certification shown hereon.
- 5) The linear units used in this drawing are U.S. Survey feet;
  - 6) All Township, Range and County information for Department Engineering must be provided by the applicant and must be submitted in accordance with the Department's subdivision and are on file at the County Planning and Community Development Department;   
*(Department: \_\_\_\_\_)*
  - 8) All property owners are responsible for maintaining proper storm water drainage as well as ensuring that their property complies with applicable local ordinances. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
  - 9) The address (11103 and 11103B) exhibited on this plan for informational purposes only is not intended to constitute a warranty of accuracy and is subject to change.
  - 10) Engineer, as it shows, and he/she has sole responsibility for maintenance of these statements is hereby vested with the adjacent property owners.
  - 11) Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including the United States Army Corps of Engineers, the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g. Florida Manatee, Junco Sp.)
  - 12) Measures shall be initiated in accordance with all EIR passed by Colorado and United States Congress.
  - 13) The undersigned certifies that this subdivision is proposed by individual with no financial interest in the project and that the undersigned is not acting as an agent for the State Engineer or any other person. Permits for individual wells must be obtained from the State Engineer who by his act has the authority to set conditions for the issuance of

Mark S. Johannes  
Colorado Professional Land Surveyor No. 32439  
For and on behalf of Compass Surveying and Mapping, LLC

Fees:	
Business Fee:	School Fee:

Bride Fee:	Park Fee:

STATE OF COLORADO } 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.

QUICK RESPONSE RECORDER

By: \_\_\_\_\_

JOHN J. HARRIS

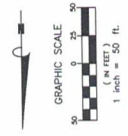
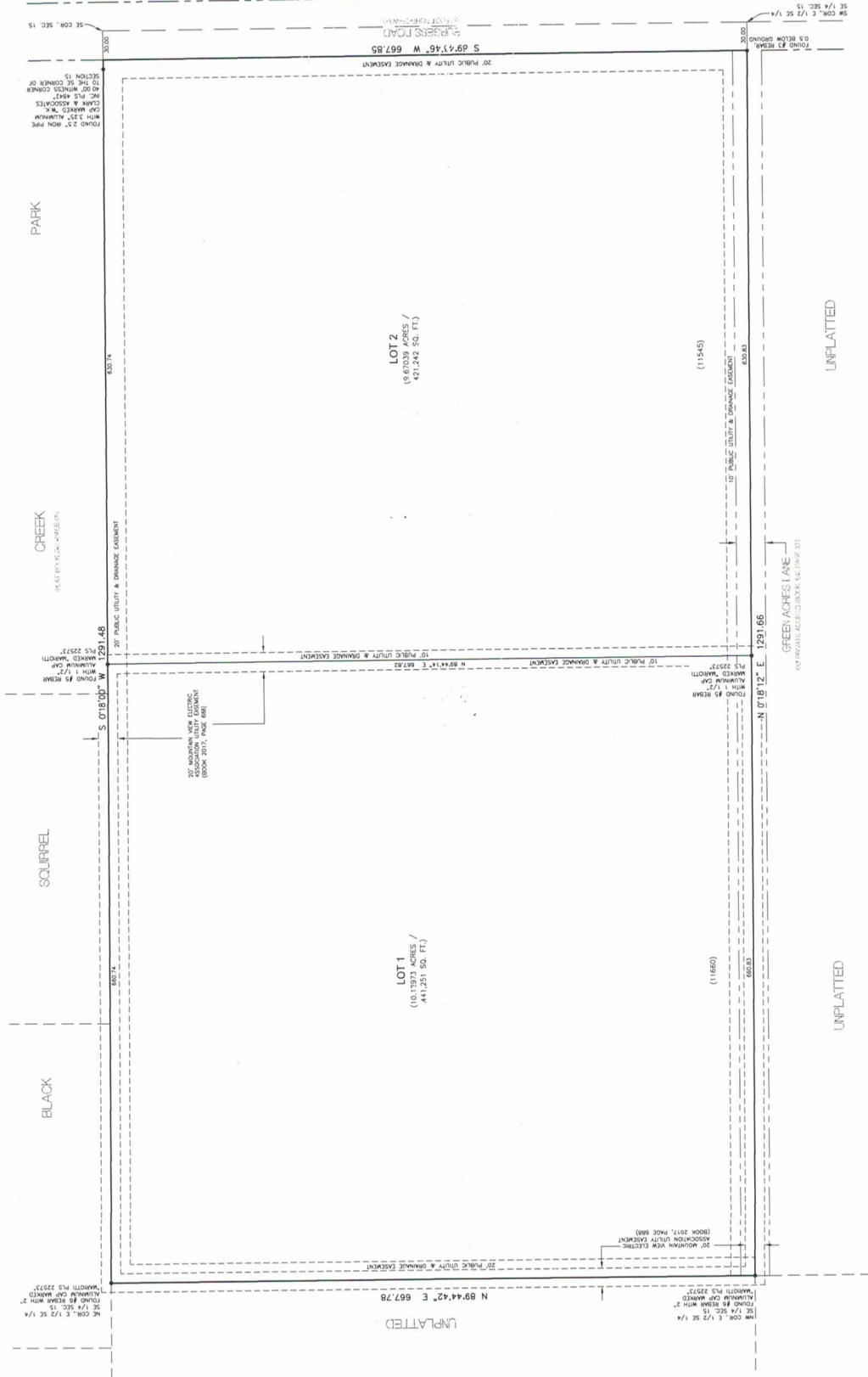
DSD EUE No: MS

REVISIONS:	

PROJECT NO. 19227  
MAY 11, 2020  
SHEET 1 OF 2

# 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



DSD FILE NO. MS  
PROJECT NO. 19227  
DATE: MAR 11, 2020  
SHEET 2 OF 2



213044360 04/05/2013 10:44:04  
PGS 1 \$11.00 DF \$ 24.00

Electronically Recorded Official Records El Paso County CO  
Wayne W. Williams Clerk and Recorder  
TD1000 Y



**Warranty Deed**  
(Pursuant to 38-30-113 C.R.S.)

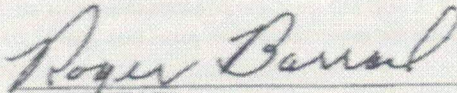
State Documentary Fee  
Date: April 05, 2013  
\$ 24.00

THIS DEED, made on April 05, 2013 by ROGER BARRACK Grantor(s), of the County of EL PASO and State of COLORADO for the consideration of (\$240,000.00) \*\*\* Two Hundred Forty Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to KEVIN COLVIN AND MICHELLE COLVIN Grantee(s), as Joint Tenants, whose street address is 54885 WALNUT DR. NEW HUDSON, MI 48165, County of OAKLAND, and State of MICHIGAN, the following real property in the County of El Paso, and State of Colorado, to wit:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THE SOUTH 30 FEET FOR ROAD PURPOSES.

also known by street and number as: 11545 GREEN ACRES LANE COLORADO SPRINGS CO 80908

with all its appurtenances and warrants the title to the same, subject to covenants, easements, reservations, restrictions, and rights of way, of record, if any, and taxes and assessments for the current and subsequent years.

  
ROGER BARRACK

State of COLORADO )

County of EL PASO ) ss.

The foregoing instrument was acknowledged before me on this 5th day of April, 2013, by ROGER BARRACK

  
Notary Public

My commission expires 08/03/2014

LISA S. FENN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20024015640  
My Commission Expires August 3, 2014

When Recorded Return to: KEVIN COLVIN AND MICHELLE COLVIN  
54885 WALNUT DR. NEW HUDSON, MI 48165





212079149 07/12/2012 04:35:32  
PGS 1 \$11.00 DF \$ 31.00

Electronically Recorded Official Records El Paso County CO  
Wayne W. Williams Clerk and Recorder  
TD1000 Y



**Warranty Deed**  
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee  
Date: July 12, 2012  
\$ 31.00

THIS DEED, made on July 12, 2012 by MARTHA K. LOVE Grantor(s), of the County of EL PASO and State of COLORADO for the consideration of (\$310,000.00) \*\*\* Three Hundred Ten Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to KEVIN COLVIN AND MICHELLE COLVIN Grantee(s), as Joint Tenants, whose street address is 54885 WALNUT DR. NEW HUDSON, MI 48165, County of EL PASO, and State of MICHIGAN, the following real property in the County of El Paso, and State of Colorado, to wit:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

also known by street and number as: 11660 GREEN ACRES LANE COLORADO SPRINGS CO 80908

with all its appurtenances and warrants the title to the same, subject to covenants, easements, reservations, restrictions, and rights of way, of record, if any, and taxes and assessments for the current and subsequent years.

Martha K. Love  
MARTHA K. LOVE

State of COLORADO )  
County of EL PASO ) ss.

The foregoing instrument was acknowledged before me on this 12th day of July, 2012, by MARTHA K. LOVE

[Signature]  
Notary Public  
My commission expires \_\_\_\_\_

LISA S. FENN  
Notary Public  
State of Colorado  
My Commission Expires Aug 3, 2014

When Recorded Return to: KEVIN COLVIN AND MICHELLE COLVIN  
54885 WALNUT DR. NEW HUDSON, MI 48165





**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.

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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-

Aquifer: Dawson

Applicant: Kevin and Michelle Colvin

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-feet.
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 15<sup>th</sup> 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