

REDTAIL RANCH

WATER RESOURCES and WATER QUALITY REPORT For Redtail Ranch Subdivision

June 26, 2018

Prepared By:



13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921

Executive Summary:

Water Resources and Water Quality Report—Redtail Ranch Subdivision

Chris D. Cummins of Monson, Cummins & Shohet, LLC, on behalf of the Applicant, Michael Ludwig, provides the following Water Resources/Water Quality Report in support of the Redtail Ranch subdivision. The undersigned has been practicing water law, almost exclusively, for 15 years, and has substantial experience with Denver Basin groundwater resources, augmentation plans, subdivision proceedings, and rural residential water usage, and therefore should be considered a “qualified professional” as concerns water resources, as discussed at Section 8.4.7(B)(1)(c) of the El Paso County Land Development Code. This Report, prepared in conjunction with other professionals, is intended to demonstrate to the El Paso County Planning Commission and the BoCC, the sufficiency in terms of quantity, dependability, and quality, of the water rights and resources to be utilized in the proposed Redtail Ranch subdivision, in the Black Forest in northern El Paso County, Colorado.

The Redtail Ranch development proposed by Michael Ludwig, consists of approximately 67.94 acres located west of Vollmer Road and north of Shoup Road, in the N½ SE¼ of Section 9, Township 12 South, Range 65 West of the 6th P.M. The land is to be provided water and sewer services through on-site individual wells and Individual Septic Disposal Systems (“ISDS”). The development includes 12 residential lots of approximately 5-acres each, consistent with current RR-5 zoning.

It is expected that each residential home in the Redtail Ranch subdivision will require an average of 1.06 annual acre-feet of water supply, to be provided through individual wells on each lot to either the not-nontributary Dawson or Denver aquifers, consistent with the plan for augmentation pending decree in Division 2 Case No. 18CW3006 (a Ruling of Referee was entered on June 26, 2018, coincident with completion of this Report). Such water supply demands are consistent with other rural residential homes historical demand in other nearby developments in the Black Forest. The augmentation plan pending decree in Case No. 18CW3006 will provide for a 300-year water supply for each of the anticipated 12 lots within Redtail Ranch, with each lot utilizing ISDS of a non-evaporative nature.

The water resources to be utilized in the Redtail Ranch subdivision are typical to 5-acre rural residential development in Black Forest and other parts of rural northeastern El Paso County, Colorado. The plan for augmentation to be decreed in Case No. 18CW3006 demonstrates a sufficient quantity and reliability of water to support compliance with El Paso County’s 300-year water supply rules for subdivisions of this nature, and the well-established water quality in the Dawson and Denver aquifers in this part of the County, as well as quality testing completed for one of the Dawson aquifer wells existing on the property, demonstrates a sufficient water quality.

I. INTRODUCTION

The purpose of this report is to provide a preliminary outline of the water resources, associated wastewater requirements, and water quality necessary for approval of the Redtail Ranch subdivision, as proposed.

1.1 New Development Description: Redtail Ranch subdivision consists of approximately 67.94 acres located to the west of Vollmer Road and to the north of Shoup Road in the N½ SE¼ of Section 9, Township 12 South, Range 65 West of the 6th P.M. The Redtail Ranch subdivision anticipates a maximum of 12 rural residential units. **Exhibit A**, attached hereto, is a preliminary plan for the Redtail Ranch subdivision as proposed, prepared by Applicant's planning consultants at NES, Inc.

II. PROJECTION OF WATER NEEDS

2.1 Analysis of Water Demands: It is expected that each of the twelve (12) rural residential lots in the Redtail Ranch subdivision, utilizing 12 individual wells to either the Dawson or Denver aquifers (each well shall be completed to only one aquifer), will be developed with a single family home, anticipating limited gardens and landscaping, potentially watering of horses or similar stock, and accessory uses such as hot tubs. Consistent with the Plan for Augmentation pending decree in Division 2 Case No. 18CW3006, it is anticipated that each single family residence will utilize a maximum of 1.06 annual acre feet of water through individual wells, with total demand for all 12 lots estimated at a maximum of 12.72 annual acre feet. Of this pumping, it is anticipated that 0.26 annual acre feet will be utilized for in-house residential purposes, consistent with Section 8.4.7(B)(7)(d), with the remainder of pumping varying between lots for other uses authorized under the 18CW3006 augmentation plan. The individual wells are each anticipated to produce water from either the Dawson or Denver aquifers at flow rates of 10 to 15 gallons per minute, based upon previously measured and tested production from existing wells on the property to be re-permitted under the 18CW3006 plan for augmentation. Based on past experience with the numerous Dawson and Denver wells serving rural residential properties throughout northern El Paso County, this rate of production from each individual well should be sufficient not only to meet each residence's average demand for in-house uses, but maximum demands for accessory uses as well. It is anticipated that all twelve lots, and associated wells, will be immediately developed.

III. PROPOSED WATER RIGHTS AND FACILITIES

3.1 Water Rights: A plan for augmentation utilizing the underlying Denver Basin aquifers is pending decree by the Water Division 2 District Court in Case No. 18CW3006. This case is unopposed, a Ruling of Referee was entered on June 26, 2018, and entry of a decree is anticipated before the end of July, 2018. A copy of the Ruling of Referee entered in Case No. 18CW3006 is attached hereto as **Exhibit B**, including the following specific quantities of water anticipated to be available for and utilized in the Redtail Ranch subdivision:

AQUIFER	Saturated Thickness (ft)	Specific Yield (%)	Total Water Adjudicated (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)
Dawson (NNT)	410.7	.20	5,536	18.5 ¹
Denver 4% (NNT)	359.6	.17	4,212	14.0 ¹
Arapahoe (NT)	254.7	.17	2,953	29.5
Laramie Fox Hills (NT)	191.4	.15	1,947	19.5

As particularly described in the attached Ruling of Referee in Case No. 18CW3006, a 300-year water supply is demonstrated in the Dawson and/or Denver aquifers, with all depletions augmented in time, place and amount through septic return flows during pumping, and through dedication of nontributary groundwater in the Arapahoe and/or Laramie-Fox Hills for replacement of post-pumping depletions. The available supplies will meet both legal and physical needs on a 300-year basis.

3.2 Source of Supply: Rural residential water supply demand will be met using some combination of not-nontributary Dawson and Denver formation wells, consistent with the plan for augmentation to be decreed in Case No. 18CW3006. Of the total twelve individual private wells that will be utilized at the Redtail Ranch, six (6) such wells are existing wells permitted either as exempt structures, or permitted under the prior augmentation plans to be amended by Case No. 18CW3006. The complete well files from the Colorado Division of Water Resources for Well Permit Nos. 68030-F, 74767-F, 74768-F, 1122, 146809 and 103645/135594, including drilling logs and well completion reports where available, are collectively attached hereto as **Exhibit C**.

3.3 Water Quality and Treatment: The water quality in Dawson and Denver aquifers in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits, with an estimated 27,000 households in El Paso County currently utilizing Denver Basin wells, the majority of which are constructed to the shallowest Dawson and Denver formations. See June 15, 2015 Gazette article – “Where there is a well, there is a way...”, attached hereto as **Exhibit D**. Several of the wells to be utilized within the Redtail Ranch subdivision have previously been permitted and/or constructed, and utilized for water service to single family homes, with all legal requirements regarding bacterial/inorganics testing presumably satisfied. Applicant has obtained new water quality testing for existing well Permit No. 74767-F (Redtail Ranch Well No. 3), including bacterial and inorganic testing, so as to ensure compliance with Land Development Code Section 8.4.7(B)(3)(d), and copies of those testing results are collectively attached hereto as **Exhibit E**. Newly constructed wells will meet all such regulatory requirements regarding quality testing before being utilized as a residential

¹ The Dawson and Denver aquifer annual withdrawal figures represent not the 100-year aquifer life discussed at C.R.S. §37-90-137(4), but rather a 300-year aquifer life consistent with provision of a 300-year water supply in compliance with El Paso County, Colorado land development code as applicable to the subdivision of Applicant’s Property.

water source.

3.4 Pumping Rates for Service: The Dawson and Denver aquifers in the location of the Redtail Ranch subdivision are generally known to produce approximately 10-15 gallons per minute, more than sufficient for single family residential and accessory uses. See e.g., well testing reports for Permit No. 74768-F which indicate a sustained pumping rate of 15 gpm, **Exhibit C**.

IV. WASTEWATER AND WASTEWATER TREATMENT – While a detailed geotechnical, soils and wastewater report will be provided by other of Applicant's consultants, Applicant provides a summary of ISDS to be utilized herein, as relates to water usage and resulting return flows which support the plan for augmentation pending decree in Case No. 18CW3006.

4.1 Septic/Wastewater Loads: Septic projections are based on similar Denver Basin residential uses on rural residential lots. Average daily wastewater loads are expected to be approximately 232 gallons per day per single family residence. Maximum daily wastewater loads are expected to be roughly 250 gallons per day per single family residence, all assuming residential in-house use at the 0.26 acre foot per year rate described in Case No. 18CW3006.

4.2 On-Site Wastewater Treatment Systems: All 12 single family homes within the Redtail Ranch subdivision will be served by individual on-site wastewater treatment systems. The site has been evaluated for on-site wastewater treatment systems by Applicants consultants at RMG Engineers, as described in their report submitted contemporaneously with this report. Based on such evaluation, the site is suitable for on-site wastewater treatment systems/ISDS. Each on-site wastewater treatment system will be evaluated and installed according to El Paso County Guidelines and properly maintained to prevent contamination of surface and subsurface water resources.

Respectfully submitted this 26th day of June, 2018

MONSON, CUMMINS & SHOHET, LLC

/s/ Chris D. Cummins

Chris D. Cummins

cc: Client; NES, Inc.; RMG Engineers

EXHIBIT A

UNPLATTED
RR-2.5
RESIDENTIAL

LOT 3, WINNECUNNET SUBDIVISION
RR-5
RESIDENTIAL

LOT 5, BLOCK 2,
GREEN MEADOWS SUBDIVISION
RR-2.5
RESIDENTIAL

LOT 5, BLOCK 1,
GREEN MEADOWS SUBDIVISION
RR-2.5
RESIDENTIAL

LOT 9, WALKER ESTATES
RR-5
RESIDENTIAL

LOT 8, WALKER ESTATES
RR-5
RESIDENTIAL

UNPLATTED
RR-5
RESIDENTIAL

LOT 1
219,412 SF

LOT 12
228,690 SF

UNPLATTED
RR-5
RESIDENTIAL

UNPLATTED
RR-5
RESIDENTIAL

LOT 2
219,368 SF

LOT 11
218,453 SF

LOT 10
218,366 SF

LOT 9
218,148 SF

LOT 8
221,154 SF

LOT 3
218,279 SF

LOT 5
243,892 SF

LOT 6
274,297 SF

LOT 7
258,398 SF

LOT 4
221,851 SF

UNPLATTED
RR-5
RESIDENTIAL

LOT 1, KING SUBDIVISION
RR-5
RESIDENTIAL

TRACT A
11,130 SF

UNPLATTED
PUD
RESIDENTIAL

TRACT B
7,472 SF

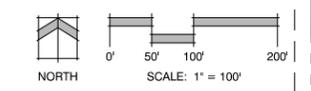
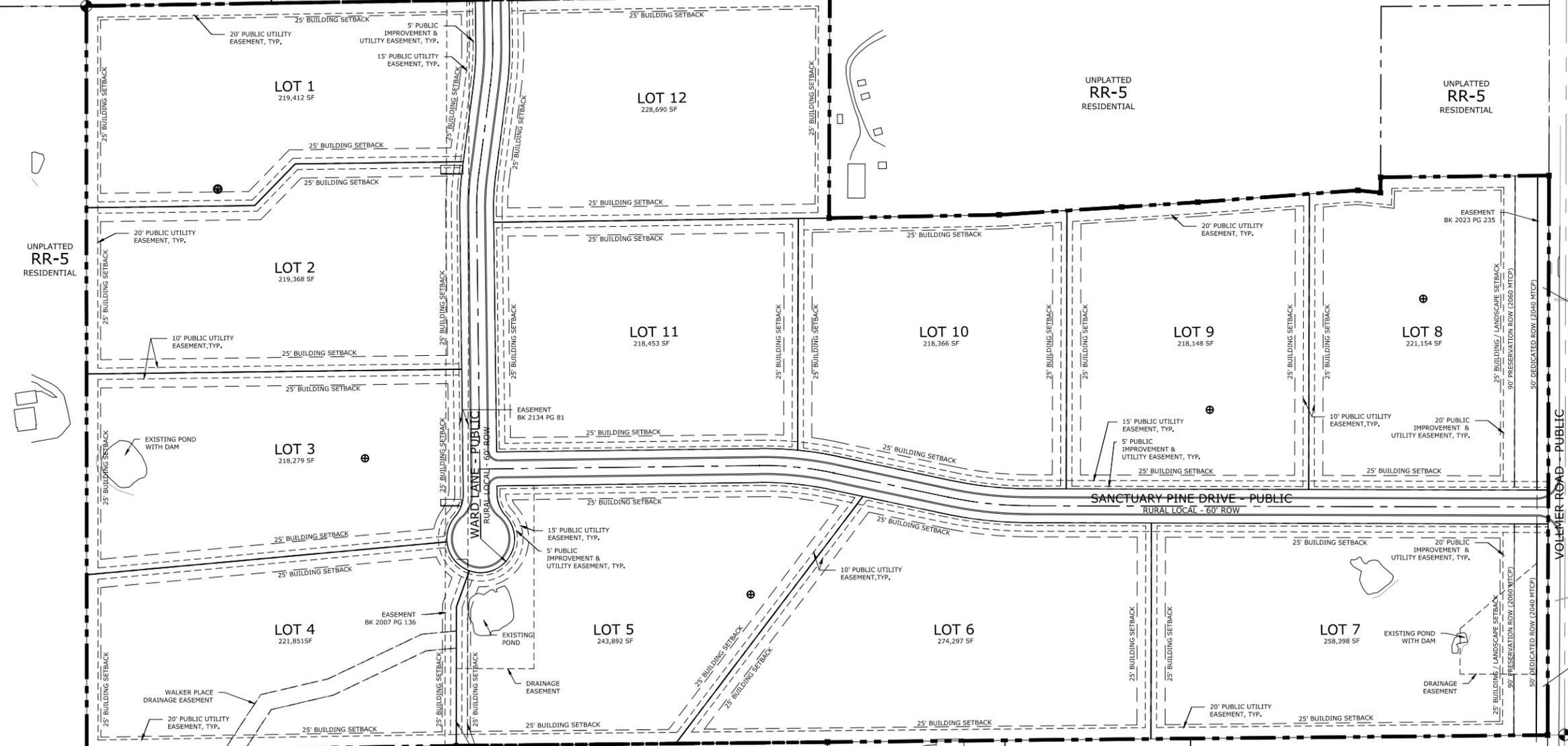


EXHIBIT B

<p>DISTRICT COURT, WATER DIVISION 2, CO Court Address: 501 N. Elizabeth Street, Suite 116 Pueblo, CO 81003 Phone Number: (719) 404-8832</p> <hr/> <p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</p> <p>MICHAEL S. LUDWIG</p> <p>IN EL PASO COUNTY</p>	<p>DATE FILED: June 26, 2018 1:21 PM CASE NUMBER: 2018CW3003</p> <hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case No.: 18CW3003 (Div 2) 18CW302 (Div 1) (c/r 07CW49)</p>
<p>FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE</p>	

THIS MATTER comes before the Water Referee on the Application filed by Michael S. Ludwig, and having reviewed said Application and other pleadings on file, and being fully advised on this matter, the Water Referee makes the following findings and orders:

GENERAL FINDINGS OF FACT

1. The applicant in this case is Michael S. Ludwig, whose address is 4255 Arrowhead Drive, Colorado Springs, CO 80908 (“Applicant”). Applicant is the owner of the land totaling approximately 67.94 acres on which the structures sought to be adjudicated herein are located, and are the owners of the place of use where the water will be put to beneficial use.
2. The Applicant filed this Application with the Water Courts for both Water Divisions 1 and 2 on January 16, 2018. The Application was referred to the Water Referees in both Divisions 1 and 2 on or about January 18, 2018.
3. The time for filing statements of opposition to the Application expired on the last day of March 2018. No statements of opposition were timely filed.
4. A Motion for Consolidation of the cases into Water Division 2 was filed with the Colorado Supreme Court on April 2, 2018. The Panel on Consolidated Multidistrict Litigation certified the Motion for Consolidation to the Chief Justice on April 4, 2018. Chief Justice, Nancy E. Rice, granted the Motion for Consolidation by Order dated May 8, 2018.
5. On January 18, 2018, the Water Court, Division 1 on Motion from

Applicant, ordered that consolidated publication be made by only Division 2.

6. The Clerk of this Court has caused publication of the Application filed in this matter as provided by statute and the publication costs have been paid. On February 15, 2018, proof of publication in the *Daily Transcript* in El Paso County was filed with Water Court Division 2. All notices of the Application have been given in the manner required by law.

7. Pursuant to C.R.S. §37-92-302(2), the Office of the State Engineer has filed Determination of Facts for each aquifer with this Court on June 19, 2018.

8. Pursuant to C.R.S. §37-92-302(4), the office of the Division Engineer for Water Division 2 has filed its Consultation Report dated April 27, 2018 with the Court, and a Response to the Consultation Report was filed by the Applicant on May 4, 2018. Both the Consultation Report and Response have been considered by the Water Referee in the entry of this Ruling.

9. The Water Court has jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated groundwater basin.

GROUNDWATER RIGHTS

10. In addition to the amended plan for augmentation decreed herein, the Applicant requests quantification of previously-unquantified Denver Basin groundwater supplies under the approximately 28.03 acre "East Parcel" of Applicant's Property as more particularly described on attached **Exhibit A**, and as depicted on the **Exhibit B** map. Applicant seeks to utilize such newly quantified groundwater supplies in conjunction with those supplies underlying the "West Parcel" of Applicant's Property as previously quantified in Case No. 07CW49. Applicant further seeks the adjudication of underground water rights for Redtail Ranch Well Nos. 1 through 12, each to be constructed to either of the not-nontributary Dawson or Denver aquifers, and additional or replacement wells associated therewith for withdrawal of Applicant's full entitlements of supply under the plan for augmentation sought herein. The following findings are made with respect to such underground water rights:

11. The land overlying the groundwater subject to the adjudication in this case as underlying the East Parcel of Applicant's Property, as well as the associated West Parcel as described herein is owned by the Applicant and consists of approximately 67.94 acres (28.03 acres being the East Parcel, and 39.91 acres being the West Parcel). The East Parcel of Applicant's Property located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, as more particularly described on the attached **Exhibit A**, and depicted on the attached **Exhibit B** map. Applicant intends to subdivide the entirety of Applicant's Property, including the

previously quantified West Parcel, into up to twelve lots of approximately 5 acres each. All groundwater discussed and adjudicated herein shall be withdrawn from the overlying land of Applicant's Property.

12. There are no lienholders on the Applicant's Property and the notice requirements of C.R.S. § 37-92-302 are therefore inapplicable.

13. Redtail Ranch Well Nos. 1 through 12: Redtail Ranch Well Nos. 1 through 12 will be located on the Applicant's Property in the N½ SE¼ of Section 9, Township 12 South, Range 65 West of the 6th P.M. Applicant is awarded the vested right to use Redtail Ranch Well Nos. 1 through 12, along with any necessary additional or replacement wells associated with such structures, for the extraction and use of groundwater from the not-nontributary Dawson aquifer pursuant to the Plan for Augmentation decreed herein. Such wells may be constructed to the nontributary Denver aquifer in the alternative, but no well shall at any time be constructed to more than one aquifer. Upon entry of this decree and submittal by the Applicant of a complete well permit application and filing fee, the State Engineer shall issue permits for Redtail Ranch Wells Nos. 1 through 12 pursuant to C.R.S. §37-90-137(4), consistent with the Plan for Augmentation decreed herein. Of the twelve Retail Ranch Wells decreed herein, upon information and belief, six have been previously constructed and permitted, and will upon entry of this decree be re-permitted (and redrilled if necessary) to comply with the terms and conditions of this plan for augmentation. Such existing structures are (a) Retail Ranch Well No. 1 (DWR Permit No. 68030-F), Redtail Ranch Well No. 3 (DWR Permit No. 74767-F), Redtail Ranch Well No. 5 (DWR Permit No. 74768-F), Redtail Ranch Well No. 7 (DWR Permit No. 1122), Redtail Ranch Well No. 8 (DWR Permit No. 146809), and Redtail Ranch Well No. 9 (DWR Permit No. 103645/135594).

14. Of the statutorily described Denver Basin aquifers, the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers all exist beneath the Applicant's Property. The Dawson and Denver aquifers underlying the Applicant's Property contain not-nontributary water, while the water of the Arapahoe and Laramie-Fox Hills aquifers underlying the Applicant's Property is nontributary. For purposes of clarity as concerns the plan for augmentation, the Court sets forth below the quantities of water underlying the East Parcel, as quantified herein, and the West Parcel, as previously quantified in Case No. 07CW49, as well as the total amount of water now quantified under both parcels in combination, as utilized in the amended plan for augmentation decreed herein. The quantity of water in the Denver Basin aquifers exclusive of artificial recharge underlying the Applicant's Property is as follows:

EAST PARCEL:

AQUIFER	Saturated Thickness (ft)	Specific Yield (%)	Total Water Adjudicated (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)
Dawson (NNT)	410	.20	2,259 ¹	7.6 ²
Denver 4% (NNT)	360	.17	1,720	5.7 ²
Arapahoe (NT)	255	.17	1,220	12.2
LFH (NT)	190	.15	800	8.0

WEST PARCEL (07CW49):

AQUIFER	Saturated Thickness (ft)	Specific Yield (%)	Total Water Adjudicated (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)
Dawson (NNT)	410.7	.20	3,277 ³	10.9 ²
Denver 4% (NNT)	359.6	.17	2,492	8.3 ²
Arapahoe (NT)	254.7	.17	1,733	17.3
LFH (NT)	191.4	.15	1,147	11.5

TOTAL COMBINED GROUNDWATER:

AQUIFER	Saturated Thickness (ft)	Specific Yield (%)	Total Water Adjudicated (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)
Dawson (NNT)	410.7	.20	5,536	18.5 ²
Denver 4% (NNT)	359.6	.17	4,212	14.0 ²
Arapahoe (NT)	254.7	.17	2,953	29.5
LFH (NT)	191.4	.15	1,947	19.5

¹ The total available withdrawals from the Dawson aquifer underlying the East Parcel have been reduced by 41 acre feet to account for prior estimated pumping from Well Permit No. 1122, which will be repermited pursuant to this Decree as augmented Redtail Ranch Well No. 7, from Well Permit No. 146809, which will be repermited pursuant to this Decree as augmented Redtail Ranch Well No. 8, and from Well Permit No. 32323, which will be repermited pursuant to this Decree as augmented Redtail Ranch Well No. 9.

² The Dawson and Denver aquifer annual withdrawal figures represent not the 100-year aquifer life discussed at C.R.S. §37-90-137(4), but rather a 300-year aquifer life consistent with provision of a 300-year water supply in compliance with El Paso County, Colorado LDC as applicable to the subdivision of Applicant's Property.

³ The total available withdrawals from the Dawson aquifer underlying the West Parcel have been reduced by 7.7 acre feet to account for prior estimated pumping from Well Permit Nos. 68030-F, 74767-F, and 74768-F, which are to be repermited pursuant to this Decree as augmented Redtail Well Nos. 1, 3 and 5.

15. Pursuant to C.R.S. §37-90-137(9)(c.5)(I), the augmentation requirements for wells in the Dawson aquifer require the replacement to the affected stream systems of actual stream depletions on an annual basis, to the extent necessary to prevent injurious effect, based upon actual aquifer conditions. For wells constructed instead to the Denver aquifer, Applicant is required to replace only 4% of pumping. Applicant shall not be entitled to construct a well or use water from the not-nontributary Dawson or Denver aquifers except pursuant to an approved augmentation plan in accordance with C.R.S. §37-90-137(9)(c.5), including as decreed herein.

16. Applicant shall be entitled to withdraw all legally available groundwater in the Denver Basin aquifers underlying Applicant's Property. Said amounts can be withdrawn over the 300-year life of the aquifers as set forth in El Paso County, Colorado Land Development Code §8.4.7(C)(1) which requirements also satisfy the 100-year life for the aquifers as set forth in C.R.S. §37-90-137(4), or withdrawn over a longer period of time based upon local governmental regulations or Applicant's water needs. The average annual amounts of ground water available for withdrawal from the underlying Denver Basin aquifers, based upon the 300-year aquifer life is determined and set forth above, based upon the June 9, 2018 Office of the State Engineer Determination of Facts, as concerns the East Parcel, and based on the decree in Case No. 07CW49 as concerns the West Parcel.

17. Applicant shall be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed herein from the Denver Basin aquifers underlying Applicant's Property, so long as the sum of the total withdrawals from wells in the aquifer does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of the decree herein, whichever comes first, and the annual volume of water which Applicant is entitled to withdraw from the aquifer underlying Applicant's Property.

18. The Applicant shall have the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, piscatorial, and for storage and augmentation associated with such uses. The amount of groundwater decreed for such uses upon the Applicant's Property is reasonable as such uses are to be made for the long term use and enjoyment of the Applicant's Property and are to establish and provide for adequate water reserves. The nontributary groundwater, excepting such water reserved for post pumping depletions in the Plan for Augmentation decreed herein, may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the relinquishment of the right to consume two percent of such nontributary water withdrawn. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided however, as set forth above, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by the Court, including that plan for

augmentation decreed herein.

19. Withdrawals of groundwater available from the nontributary aquifers beneath the Applicant's Property in the amounts determined in accordance with the provisions of this decree will not result in material injury to any other vested water rights or to any other owners or users of water.

PLAN FOR AUGMENTATION

20. The structures to be augmented are Redtail Ranch Well Nos. 1 through 12 as are or may be constructed to either the not-nontributary Dawson aquifer or not-nontributary Denver aquifer underlying the Applicant's Property, along with any additional or replacement wells associated therewith. This decreed plan for augmentation effectively amends and replaces those plans for augmentation previously decreed in Case Nos. 07CW49 and 11CW37, with all aspects of both prior cases being amended and replaced by the terms and conditions herein. Any previously decreed augmented structures not specifically referenced herein, including Ludwig Pond, are hereby abandoned.

21. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation obligation for Redtail Ranch Well Nos. 1 through 12, and any additional or replacement wells constructed to the Dawson aquifer, requires the replacement of actual stream depletions to the extent necessary to prevent any injurious effect. For wells constructed instead to the Denver aquifer, Applicant is required to replace only 4% of pumping. This plan for augmentation is intended to address the maximum of actual depletions resulting from Dawson aquifer wells, so to the extent any of the Redtail Ranch Well Nos. 1 through 12 are instead constructed to the 4% depletive Denver aquifer, injury will likewise be prevented. The water rights to be used for augmentation during pumping are the septic return flows resulting from the in-house use of water from the not-nontributary Redtail Ranch Well Nos. 1 through 12, to be pumped as set forth in this plan for augmentation. The water rights to be used for augmentation after pumping are a reserved portion of Applicant's nontributary water rights in the Arapahoe and Laramie-Fox Hills aquifers. Applicant shall provide for the augmentation of stream depletions caused by pumping the Redtail Ranch Well Nos. 1 through 12 as approved herein. Water use criteria as follows:

A. Use: The Redtail Ranch Well Nos. 1 through 12 may each pump up to 1.06 acre feet of water per year, for a maximum total of 12.72 acre feet being withdrawn from the Dawson (and/or Denver) aquifer annually. Households will utilize up to 0.26 acre feet of water per year per residence, with the additional 0.8 acre feet per year per residence available for irrigation of lawn and garden and the watering of horses or equivalent livestock, use in water features or hot tubs or other beneficial uses. The foregoing figures assume the use of twelve septic systems, with resulting return flows from each of 90% of in house uses, or 2.81 annual acre feet.

B. Depletions: Applicant has determined, as previously decreed in

Case No. 07CW49, that maximum stream depletions over the 300-year pumping period will amount to approximately twenty two percent (21.97%) of pumping. Maximum annual depletions for total residential pumping from all wells is therefore 2.79 acre feet in year 300. Should Applicant's pumping be less than the 1.06 acre feet per lot described herein, or should any of the augmented well be constructed to the 4% depletive Denver aquifer, resulting depletions and required replacements will be correspondingly reduced.

C. Augmentation of Depletions During Pumping Life of Wells: Pursuant to C.R.S. §37-90-137(9)(c.5), an assuming all of the Redtail Ranch Well Nos. 1 through 12 are constructed to the Dawson aquifer, Applicant is required to replace actual stream depletions attributable to pumping of the anticipated twelve residential wells. Applicant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems as described herein. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.26 acre feet per residence per year, totaling 3.12 acre feet for all twelve residences, 2.81 acre feet is replaced to the stream system per year, utilizing non-evaporative septic systems, while maximum depletions as described above are 2.79 annual acre feet. Thus, during pumping, stream depletions will be adequately augmented.

D. Augmentation of Post Pumping Depletions: This plan for augmentation shall have a pumping period of a minimum of 300 years. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Redtail Ranch Well Nos. 1 through 12, Applicant will reserve up to 1,908 acre feet of water from the nontributary Arapahoe aquifer and 1,908 acre feet of water from the nontributary Laramie Fox Hills aquifer, or such greater amounts as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe and Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive new well permits for the Redtail Ranch Wells Nos. 1 through 12, including replacement permits for existing structures, for the uses in accordance with this Decree and otherwise in compliance with C.R.S. §37-90-137.

22. Because depletions occur to both the South Platte and Arkansas River systems under the State's groundwater flow model, the Application in this case was filed in both Water Divisions 1 and 2. The return flows set forth above as augmentation will accrue to only Arkansas River system where most of the depletions will occur and where the Applicant's Property is located. Under this augmentation plan, the total amount of depletions will be replaced to the Arkansas River system as set forth herein, and the Court finds that those replacements are sufficient under this augmentation plan

subject to Paragraphs 41-45 herein.

23. This decree, upon recording, shall constitute a covenant running with Applicant's Property, benefiting and burdening said land, and requiring construction of wells to the nontributary Arapahoe and Laramie-Fox Hills aquifer and pumping of water to replace any injurious post-pumping depletions under this decree, unless other post-pumping replacement supplies are substituted by order of this Court, as provided herein. Subject to the requirements of this decree, in order to determine the amount and timing of post-pumping replacement obligations, if any, under this augmentation plan, Applicant or its successors shall use information commonly used by the Colorado Division of Water Resources for augmentation plans of this type at the time. Pursuant to this covenant, the water from the nontributary Arapahoe and Laramie-Fox Hills aquifer reserved herein may not be severed in ownership from the overlying subject property. This covenant shall be for the benefit of, and enforceable by, third parties owning vested water rights who would be materially injured by the failure to provide for the replacement of post-pumping depletions under the decree, and shall be specifically enforceable by such third parties against the owner of the Applicant's Property.

24. Applicant or its successors shall be required to initiate pumping from the Arapahoe and/or Laramie-Fox Hills aquifer for the replacement of post-pumping depletions when either: (i) 3,816 acre-feet of water available from the Dawson and/or Denver aquifers allowed to be withdrawn under the plan for augmentation decreed herein has been pumped; (ii) the Applicant or its successors in interest have acknowledged in writing that all withdrawals for beneficial use through the Redtail Ranch Well Nos. 1 through 12 have permanently ceased, (iii) a period of 10 consecutive years where either no withdrawals of groundwater has occurred, or (iv) accounting shows that return flows from the use of the water being withdrawn is insufficient to replace depletions caused by the withdrawals that already occurred.

25. Accounting and responsibility for post-pumping depletions in the amount set forth herein shall continue for the shortest of the following periods: (i) the period provided by statute; (ii) the period specified by any subsequent change in statute; (iii) the period required by the Court under its retained jurisdiction; (iv) the period determined by the State Engineer; or (v) the period as established by Colorado Supreme Court final decisions. Should Applicant's obligation hereunder to account for and replace such post-pumping stream depletions be abrogated for any reason, then the Arapahoe and Laramie-Fox Hills aquifer groundwater reserved for such a purpose shall be free from the reservation herein and such groundwater may be used or conveyed by its owner without restriction.

26. The term of this augmentation plan is for a minimum of 300 years, however, the length of the plan for a particular well or wells may be extended beyond such time provided the total plan pumping allocated to such well or wells is not exceeded. Should the actual operation of this augmentation plan depart from the planned diversions described in Paragraph 21 such that annual diversions are increased or the duration of the plan is extended, the Applicant must prepare and

submit a revised model of stream depletions caused by the actual pumping schedule. This analysis must utilize depletion modeling acceptable to the State Engineer, and to this Court, and must represent the water use under the plan for the entire term of the plan to date. The analysis must show that return flows have equaled or exceeded actual stream depletions throughout the pumping period and that reserved nontributary water remains sufficient to replace post-pumping depletions.

27. Consideration has been given to the depletions from Applicant's use and proposed uses of water, in quantity, time and location, together with the amount and timing of augmentation water which will be provided by the Applicant, and the existence, if any, injury to any owner of or person entitled to use water under a vested water right.

28. It is determined that the timing, quantity and location of replacement water under the protective terms in this decree are sufficient to protect the vested rights of other water users and eliminate material injury thereto. The replacement water shall be of a quantity and quality so as to meet the requirements for which the water of senior appropriators has normally been used, and provided of such quality, such replacement water shall be accepted by the senior appropriators for substitution for water derived by the exercise of the Redtail Ranch Well Nos. 1 through 12. As a result of the operation of this plan for augmentation, the depletions from the Redtail Ranch Well Nos. 1 through 12 and any additional or replacement wells associated therewith will not result in material injury to the vested water rights of others.

CONCLUSIONS OF LAW

29. The application for adjudication of Denver Basin groundwater and approval of plan for augmentation was filed with the Water Clerks for Water Divisions 1 and 2, pursuant to C.R.S. §§37-92-302(1)(a) and 37-90-137(9)(c). These cases were properly consolidated before Water Division 2.

30. The Applicant's request for adjudication of these water rights is contemplated and authorized by law, and this Court and the Water Referee have exclusive jurisdiction over these proceedings. C.R.S. §§37-92-302(1)(a), 37-92-203, and 37-92-305.

31. Subject to the terms of this decree, the Applicant is entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicant's Property, and the right to use that water to the exclusion of all others subject to the terms of this decree.

32. The Applicant has complied with C.R.S. §37-90-137(4), and the groundwater is legally available for withdrawal by the requested nontributary well(s), and legally available for withdrawal by the requested not-nontributary wells upon the entry of this decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). Applicant is entitled to a decree from this Court confirming its rights to

withdraw groundwater pursuant to C.R.S. §37-90-137(4).

33. The Denver Basin water rights applied for in this case are not conditional water rights, but are vested water rights determined pursuant to C.R.S. §37-90-137(4). No applications for diligence are required. The claims for nontributary and not-nontributary groundwater meet the requirements of Colorado Law.

34. The determination and quantification of the nontributary and not-nontributary groundwater rights in the Denver Basin aquifers as set forth herein is contemplated and authorized by law. C.R.S. §§37-90-137, and 37-92-302 through 37-92-305.

35. The Applicant's request for approval of a plan for augmentation is contemplated and authorized by law. If administered in accordance with this decree, this plan for augmentation will permit the uninterrupted diversions from the Redtail Ranch Well Nos. 1 through 12 without adversely affecting any other vested water rights in the Arkansas River and South Platte River or their tributaries and when curtailment would otherwise be required to meet a valid senior call for water. C.R.S. §§37-92-305(3),(5), and (8).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

36. All of the foregoing Findings of Fact and Conclusions of Law are incorporated herein by reference, and are considered to be a part of this decretal portion as though set forth in full.

37. The Application for Adjudication of Denver Basin Groundwater and for Approval of Amended Plan for Augmentation proposed by the Applicant is approved, subject to the terms of this decree.

38. The Applicant has furnished acceptable proof as to all claims and, therefore, the Application for Adjudication of Groundwater and Approval of Amended Plan for Augmentation, as requested by the Applicant, is granted and approved in accordance with the terms and conditions of this decree. Approval of this Application will not result in any material injury to senior vested water rights.

39. The Applicant shall comply with C.R.S. §37-90-137(9)(b), requiring the relinquishment of the right to consume two percent (2%) of the amount of the nontributary groundwater withdrawn. Ninety-eight percent (98%) of the nontributary groundwater withdrawn may therefore be consumed. No plan for augmentation shall be required to provide for such relinquishment.

40. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water covered by the Redtail

Ranch Well Nos. 1 through 12 so long as the return flows from the annual diversions associated with the Redtail Ranch Well Nos. 1 through 12 accrue to the stream system pursuant to the conditions contained herein. To the extent that Applicant or one of its successors or assigns is ever unable to provide the replacement water required, then the Redtail Ranch Well Nos. 1 through 12 shall not be entitled to operate under the protection of this plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulation of the State of Colorado. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions which are not so replaced as to prevent injury to vested water rights. In order for this plan for augmentation to operate, return flows from the septic systems discussed herein shall at all times during pumping be in an amount sufficient to replace the amount of stream depletions.

41. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristic, and that the Applicant need not refile, republish, or otherwise amend this application to request such adjustments. The Court further retains jurisdiction should the Applicant later seek to amend this decree by seeking to prove that post-pumping depletions are noninjurious, that the extent of replacement for post-pumping depletions is less than the amount of water reserved herein, and other post-pumping matters addressed in Paragraph 21.D.

A. At such time as adequate data may be available, Applicant or the State Engineer may invoke the Court's retained jurisdiction as provided in this Paragraph 41 for purposes of making a final determination of water rights as to the quantities of water available and allowed average annual withdrawals from any of the Denver Basin aquifers quantified and adjudicated herein. Any person seeking to invoke the Court's retained jurisdiction for such purpose shall file a verified petition with the Court setting forth with particularity the factual basis for such final determination of Denver Basin water rights under this decree, together with the proposed decretal language to affect the petition. Within four months of the filing of such verified petition, the State Engineer's Office shall utilize such information as available to make a final determination of water rights finding, and shall provide such information to the Court, Applicant, and the petitioning party.

B. If no protest is filed with the Court to such findings by the State Engineer's Office within sixty (60) days, this Court shall incorporate by entry of an Amended Decree such "final determination of water rights", and the provisions of this Paragraph 41 concerning adjustments to the Denver Basin ground water rights based upon local aquifer conditions shall no longer be applicable. In the event of a protest being timely filed, or should the State Engineer's Office make no timely determination as provided in Paragraph 41.A., above, the "final determination of water rights" sought in the petition may be made by the Water Court after notice to all parties and following a full and fair hearing, including entry of an Amended Decree, if applicable in the Court's reasonable discretion.

42. Pursuant to C.R.S. §37-92-304(6), the Court shall retain continuing jurisdiction over the plan for augmentation decreed herein for reconsideration of the question of whether the provisions of this decree are necessary and/or sufficient to prevent injury to vested water rights of others, as pertains to the use of Denver Basin groundwater supplies adjudicated herein for augmentation purposes. The court also retains continuing jurisdiction for the purpose of determining compliance with the terms of the augmentation plan.

43. As pertains to the Denver Basin groundwater supplies, the court shall retain continuing jurisdiction for so long as Applicant is required to replace depletions to the Arkansas stream system, to determine whether the replacement of depletions to Arkansas stream system instead of the South Platte stream system is causing material injury to water rights tributary to the South Platte stream system.

44. Any person may invoke the Court's retained jurisdiction at any time that Applicant is causing depletions, including ongoing post-pumping depletions, to the South Platte River system and is replacing such depletions to only the Arkansas River system. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for the alleged material injury and to request that the Court reconsider material injury to petitioners' vested water rights associated with the above replacement of depletions under this decree, together with the proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof going forward to establish a prima facie case based on the facts alleged in the petition and that Applicant's failure to replace depletions to the South Platte River system is causing material injury to water rights owned by that party invoking the Court's retained jurisdiction, except that the State and Division Engineer may invoke the Court's retained jurisdiction by establishing a prima facie case that material injury is occurring to any vested or conditionally decreed water rights in the South Platte River system due to the location of Applicant's replacement water. If the Court finds that those facts are established, the Applicant shall thereupon have the burden of proof to show (i) that petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others.

45. Except as otherwise specifically provided in Paragraphs 41-44, above, pursuant to the provisions of C.R.S. §37-92-304(6), this plan for augmentation decreed herein shall be subject to the reconsideration of this Court on the question of material injury to vested water rights of others, for a period of three years, except as otherwise provided herein. Any person, within such period, may petition the Court to invoke its retained jurisdiction. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for

requesting that the Court reconsider material injury to petitioner's vested water rights associated with the operation of this decree, together with proposed decretal language to affect the petition. The party filing the petition shall have the burden of proof of going forward to establish a prima facie case based on the facts alleged in the petition. If the Court finds those facts are established, Applicant shall thereupon have the burden of proof to show: (i) that the petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others. If no such petition is filed within such period and the retained jurisdiction period is not extended by the Court in accordance with the revisions of the statute, this matter shall become final under its own terms.

46. Pursuant to C.R.S. §37-92-502(5)(a), the Applicant shall install and maintain such water measurement devices and recording devices as are deemed essential by the State Engineer or Division Engineers, and the same shall be installed and operated in accordance with instructions from said entities. Applicant is to install and maintain a totalizing flow meter on all Redtail Ranch Wells, or any additional or replacement wells associated therewith. Applicant is also to maintain records and provide reports to the State Engineer or Division Engineers as instructed by said entities, on at least an annual basis.

47. The vested water rights, water right structures, and plan for augmentation decreed herein shall be subject to all applicable administrative rules and regulations, as currently in place or as may in the future be promulgated, of the offices of Colorado State and Division Engineers for administration of such water rights, to the extent such rules and regulations are uniformly applicable to other similarly situated water rights and water users.

48. This Ruling of Referee, when entered as a decree of the Water Court, shall be recorded in the real property records of El Paso County, Colorado. Copies of this ruling shall be mailed as provided by statute.

DATED THIS 26th day of June, 2018.

BY THE REFEREE:

Mardell R. DiDomenico



Mardell DiDomenico, Water Referee
Water Division 2

DECREE

THE COURT FINDS THAT NO PROTEST WAS MADE IN THIS MATTER, THEREFORE THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: July _____, 2018.

BY THE COURT:

Honorable Larry C. Schwartz
Water Judge, Water Division 2
State of Colorado

EXHIBIT A – Applicant’s Property

PARCEL A:

LOTS 1 AND 2, WALKER PLACE, COUNTY OF EL PASO, STATE OF COLORADO, AS AMENDED BY SURVEYOR’S AFFIDAVIT OF AMENDMENT RECORDED APRIL 6, 2010 UNDER RECEPTION NO. 210031708, ALSO KNOWN AS THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B:

A NON-EXCLUSIVE RIGHT OF WAY FOR PUBLIC DRIVEWAY PURPOSES OVER THE SOUTH 330 FEET OF THE WEST 20 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND OVER THE WEST 20 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AS CREATED BY DEED RECORDED SEPTEMBER 6, 2006 UNDER RECEPTION NO. 206131909.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR ACCESS, DRAINAGE AND DRIVEWAY GRADING OVER A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AS CREATED BY EASEMENT RECORDED JUNE 8, 2009 UNDER RECEPTION NO. 209064392.

PARCEL D:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL E:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT FOR THE EAST 30 FEET THEREOF FOR A PUBLIC ROAD, AND EXCEPT FOR THAT PORTION THEREOF CONVEYED BY SPECIAL WARRANTY DEED RECORDED OCTOBER 3, 2006 UNDER RECEPTION NO. 206145897.

PARCEL F:

THE NORTH 330.0 FEET OF THE EAST 660.0 FEET OF THE SOUTH 990.0 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT FOR THE EAST 30 FEET THEREOF FOR A PUBLIC ROAD, AND EXCEPT FOR THAT PORTION THEREOF CONVEYED BY SPECIAL WARRANTY DEED RECORDED OCTOBER 3, 2006 UNDER RECEPTION NO. 206145897.

Note: Parcels E & F constitute the “East Parcel”, as referenced in the Application.

a/k/a: El Paso County Assessor Schedule Nos. 5209000128, 5209000129, 5209002006, and 5209002008

Ludwig Application

Exhibit B Location/Property Map

Legend

-  East Parcel
-  Ludwig/Applicant's Property

Cir

Linwood Ln

Vollmer Rd

Shoup Rd

Google Earth

© 2018 Google

1000 ft



DISTRICT COURT, WATER DIVISION 2, COLORADO Court Address: 501 North Elizabeth Street, Suite 116 Pueblo, CO 81003 (719) 404-8832	<div style="text-align: center;"> <p>▲</p> <p>COURT USE ONLY</p> <p>▲</p> </div>
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: MICHAEL S. LUDWIG IN EL PASO COUNTY.	
	Case Number: 2018CW3003
NOTICE OF TRANSMITTAL AND CERTIFICATE OF SERVICE	

To: All Parties

Ruling of Referee enclosed. If you wish to protest said Ruling, a pleading in protest must be filed within the time provided by statute. (Forms available at Clerk's Office).

Please check carefully, and if you find any errors or have any questions, call the Water Referee right away. In the absence of any protest, the Water Judge will enter a judgment and decree, or may reverse, or reverse and remand any ruling which he deems contrary to law, or may modify same, after the expiration of the time for protests.

I hereby certify that I served through the approved judicial branch e-filing service provider a true and correct copy of the foregoing and Ruling to:

Name	Party	Attorney
Ludwig, Michael S.	Applicant	Cummins, Christopher Dale #35154
Division 2 Engineer	Division Engineer	Division 2 Water Engineer #905101
State Engineer	State Engineer	Colorado Division Of Water Resources #900040

Witness my hand and the seal of this Court. Date: June 26, 2018.

Mardell R. DiDomenico, Clerk
District Court Water Div. 2
501 N. Elizabeth Street, Suite 116
Pueblo, CO 81003
Telephone: (719) 404-8832

Mardell R. DiDomenico



By: _____
Clerk

Attachment to Order - 2018CW2003

EXHIBIT C

Redtail Ranch Existing Wells:

1. DWR Permit No. 68030-F
2. DWR Permit No. 74767-F
3. DWR Permit No. 74768-F
4. DWR Permit No. 1122
5. DWR Permit No. 146809
6. DWR Permit No. 103645/135594 (a/k/a Receipt No. 0270395)

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXST

WELL PERMIT NUMBER 68030 -F-
DIV. 2 WD 10 DES. BASIN MD

APPLICANT

JAMES G WALKER
12980 WARD LN
COLORADO SPRINGS, CO 80908-

(719) 495-4505

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 SE 1/4 Section 9
Township 12 S Range 65 W Sixth P.M.

DISTANCES FROM SECTION LINES

2300 Ft. from South Section Line
2320 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

CHANGE/EXPANSION OF USE OF AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the James G. Walker, et al Plan for Augmentation approved by the Division 2 Water Court in consolidated case nos. 07CW49 (Div. 2) and 07CW104 (Div. 1). If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) Approved for the change/expansion of use of an existing well constructed under permit no. 175928. The issuance of this permit cancels permit no. 175928.
- 5) Production from this well is restricted to the Dawson aquifer, which extends to a depth of 1,005 feet below ground surface.
- 6) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling, including incidental commercial uses such as a home office or a home-based business, the irrigation of home gardens and landscaping, decorative ponds and fountains, hot tubs and swimming pools, fire fighting, and livestock watering.
- 7) The pumping rate of this well shall not exceed 15 GPM.
- 8) The allowed annual amount of ground water to be withdrawn by this well individually shall not exceed 0.7 acre-foot (228,100 gallons), and in combination with all other Dawson aquifer wells operated pursuant to the plan for augmentation in case no. 07CW49, shall not exceed 2.8 acre-feet.
- 9) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 10) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 11) This well shall be not more than 200 feet from the location specified on this permit.
- 12) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines. *JWB .4/30/09*

APPROVED
JWB

James G. Walker
State Engineer

John L. Bickley
By

Receipt No. 3638338

DATE ISSUED 04-30-2009

EXPIRATION DATE N/A

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
 1313 SHERMAN ST., RM 818, DENVER, CO 80203
 phone - info: (303) 866-3587 main: (303) 866-3581
 fax: (303) 866-3589 http://www.water.state.co.us

Office Use Only

Form GWS-44 (06/2006)

RECEIVED

MAR 17 2009

WATER RESOURCES
 STATE ENGINEER
 COLO

RESIDENTIAL Note: Also use this form to apply for livestock watering

Water Well Permit Application

Review instructions on reverse side prior to completing form.
 The form must be completed in black or blue ink or typed.

1. Applicant Information

Name of applicant
James G. Walker

Mailing address
12980 Ward Ln.

City *COLO. SPRS.* State *CO* Zip code *80908*

Telephone # *(719) 495-4505* E-mail (optional) *Jwalker@msn.com*

2. Type Of Application (check applicable boxes)

Construct new well Use existing well
 Replace existing well Change or increase use
 Change source (aquifer) Reapplication (expired permit)
 Other:

3. Refer To (if applicable)

Well permit # *175928* Water Court case # *07CW49*
 Designated Basin Determination # *N/A* Well name or #

4. Location Of Proposed Well

County *EI PASO* *NW* 1/4 of the *SE* 1/4

Section *9* Township *12* N or S Range *65* E or W Principal Meridian *6 TA*

Distance of well from section lines (section lines are typically not property lines)
2300 Ft. from N S *2320* Ft. from E W

For replacement wells only - distance and direction from old well to new well
 feet direction

Well location address (Include City, State, Zip) Check if well address is same as in Item 1.

Optional: GPS well location information in UTM format. GPS unit settings are as follows:

Format must be UTM
 Zone 12 or Zone 13
 Units must be Meters
 Datum must be NAD83
 Unit must be set to true north
 Was GPS unit checked for above? YES Remember to set Datum to NAD83

Easting: _____
 Northing: _____

5. Parcel On Which Well Will Be Located (PLEASE ATTACH A CURRENT DEED FOR THE SUBJECT PARCEL)

A. You must check and complete one of the following:
 Subdivision: Name
 Lot _____ Block _____ Filing/Unit _____
 County exemption (attach copy of county approval & survey):
 Name/# _____ Lot # _____
 Parcel less than 35 acres, not in a subdivision, attach a deed with metes and bounds description recorded prior to June 1, 1972, and a current deed
 Mining claim (attach a copy of the deed or survey): Name/#
 Square 40 acre parcel as described in Item 4
 Parcel of 35 or more acres (attach a metes and bounds description or survey)
 Other (attach metes & bounds description or survey and supporting documents)

B. # of acres in parcel *10* C. Are you the owner of this parcel?
 YES NO (if no - see instructions)

D. Will this be the only well on this parcel? YES NO (if no - list other wells)

6. Use Of Well (check applicable boxes)

See instructions to determine use(s) for which you may qualify
 A. Ordinary household use in one single-family dwelling (no outside use)
 B. Ordinary household use in 1 to 3 single-family dwellings:
 Number of dwellings: *1*
 Home garden/lawn irrigation, not to exceed one acre: area irrigated ~~_____~~ *1200 sq. ft.*
 Domestic animal watering - (non-commercial)
 C. Livestock watering (on farm/ranch/range/pasture)

7. Well Data (proposed)

Maximum pumping rate *15* gpm Annual amount to be withdrawn *0.7** acre-feet
 Total depth *400* feet Aquifer *DAWSON*

8. Water Supplier

Is this parcel within boundaries of a water service area? YES NO
 If yes, provide name of supplier:

9. Type Of Sewage System

Septic tank / absorption leach field
 Central system: District name:
 Vault: Location sewage to be hauled to:
 Other (attach copy of engineering design and report)

10. Proposed Well Driller License #(optional):

11. Signature Of Applicant(s) Or Authorized Agent

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Signature (Must be original signature) *James G. Walker* Date *3-13-09*
 Print name & title
James G. Walker

Office Use Only

USGS map name DWR map no. *7600* Surface elev.

Note: Left 60' well spacing cond. off per chs 37-90-177 (2)(b)(III), even with home-based business as an approved use discussed w/ Adike Bender. - WS. 4/30/09

Receipt area only
 Trans Number: 3638338
 3/17/2009 1:14:39 PM
 Pat Morrison (12)
 Total Trans Amt: \$100.00
 CHECK
 Check Number: 4221
 Check Amount: \$100.00

- WE ✓
- WR ✓
- CWCB ✓
- TOPO ✓
- MYLAR
- SB5

DIV *2* WD *10* BA MD

* see attached

FORM NO.
GWS-32
11/90

PUMP INSTALLATION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only
RECEIVED
JUL 12 '94

WATER RESOURCES
STATE ENGINEER
COLO.

1. WELL PERMIT NUMBER 175928 179028
2. OWNER NAME(S) Jim Walker 68030-F
Mailing Address 12980 Ward Lane
City, St. Zip Colorado Spgs CO 80908
Phone () _____

3. WELL LOCATION AS DRILLED: NW 1/4 SE 1/4, Sec. 9 Twp. 12S Range 45W
DISTANCES FROM SEC. LINES:
2300 ft. from South Sec. line, and 2320 ft. from East Sec. line.
(north or south) (east or west)
SUBDIVISION: _____ LOT _____ BLOCK _____ FILING(UNIT) _____
STREET ADDRESS AT WELL LOCATION: _____

4. PUMP DATA: Type submersible Installation Completed 7-9-94
Pump Manufacturer Goulds Pump Model No. 7G510412
Design GPM 7 at RPM 3450, HP 1 Volts 230 Full Load Amps _____
Pump Intake Depth 350 Feet, Drop/Column Pipe Size 1" Inches, Kind PVC
ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM:
TURBINE DRIVER TYPE: Electric Engine Other _____
Design Head _____ feet, Number of Stages _____ Shaft size _____ inches.

5. OTHER EQUIPMENT:
Airline Installed Yes No, Orifice Depth ft. _____ Monitor Tube Installed Yes No, Depth ft. _____
Flow Meter Mfg. _____ Meter Serial No. _____
Meter Readout Gallons, Thousand Gallons, Acre feet, Beginning Reading _____

6. TEST DATA: Check box if Test data is submitted on Supplemental Form.
Date 6-22-94
Total Well Depth 400 Time 4 hrs per driller
Static Level 210 Rate (GPM) 10 gpm
Date Measured 6-22-94 Pumping Lvl. 300

7. DISINFECTION: Type HTH Amt. Used 3.5 oz

8. Water Quality analysis available. Yes No

9. Remarks _____

10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge.
[Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR Barnhart Pump Co Phone (719) 495-2912 Lic. No. 1122
Mailing Address 11685 Eggar Dr Falcon, CO 80837

Name/Title (Please type or print) President Signature Steve Barnhart Date 7-9-94

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only
RECEIVED
JUL 22 '94
WATER RESOURCES
STATE ENGINEER
COLO.

1. WELL PERMIT NUMBER ~~175928~~ 68030-F

2. OWNER NAME(S) DARNELL RUCKER
Mailing Address 1485 KELLY JOHNSON #200
City, St. Zip COLORADO SPRINGS, CO. 80920
Phone ()

3. WELL LOCATION AS DRILLED: NW 1/4 SE 1/4, Sec. 1/4 Twp. 12S, Range 65W
DISTANCES FROM SEC. LINES:
2300 ft. from South Sec. line. and 2320 ft. from East Sec. line. OR
(north or south) (east or west)
SUBDIVISION: _____ LOT _____ BLOCK _____ FILING(UNIT) _____
STREET ADDRESS AT WELL LOCATION: _____

4. GROUND SURFACE ELEVATION _____ ft. DRILLING METHOD Air
DATE COMPLETED 06/22/94 TOTAL DEPTH 400 ft. DEPTH COMPLETED 400 ft.

5. GEOLOGIC LOG:

Depth	Description of Material (Type, Size, Color, Water Location)
n-1	Topsoil
1-21	Fine sand + gravel w/ some clay mix.
21-38	Fine brown sand w/course gravel
38-155	Med. to course gravel w/ brown clay layers and quartz
155-175	Brown clay with sand
175-182	Loose gravel
182-210	Blue shale
210-290	Quartz w/ gravel
290-373	Loose gravel + quartz
373-381	Blue shale
381-400	Loose quartz, GOOD
400	Bottom

6. HOLE DIAM. (in.) From (ft) To (ft)

8 3/4	0	20
6 1/8	20	400

7. PLAIN CASING

OD (in)	Kind	Wall Size	From(ft)	To(ft)
6 5/8	Steel	.188	+1	20
4.5	P.V.C.	.227	10	240
PERF. CASING: Screen Slot Size:				
4.5	P.V.C.	.227	240	400

8. FILTER PACK:
Material Gravel
Size 1/4" Rock
Interval 20-220&240-400

9. PACKER PLACEMENT:
Type _____
Depth _____

REMARKS:

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placement
Cement	94# X	6 Gal.	7-20	Poured
Cement	188#X	12 Gal	220-240	Pumped

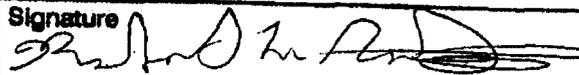
11. DISINFECTION: Type HTH Amt. Used 8 oz.

12. WELL TEST DATA: Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.
TESTING METHOD Airlifted
Static Level 210 ft. Date/Time measured 06/22/94 Production Rate 10 gpm.
Pumping level 300 ft. Date/Time measured 06/22/94 Test length (hrs.) 4 hr.
Remarks _____

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13) (e) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR CAN AMERICA DRILLING, INC Phone (719) 541-2967 Lic. No. 1149
Mailing Address BOX 416 SIMLA, COLORADO 80835

Name/Title (Please type or print)
Wayne Arde V.P.

Signature


Date
06/23/94

Water Court decree No. 07CW49

RECEIVED

MAR 17 2009

Annual amount of water to be withdrawn:

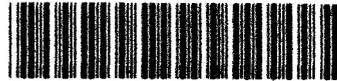
WATER RESOURCES
STATE ENGINEER
CO

House	0.76	Acre-feet	
Irrigation	0.04	"	"
Livestock	0.72	"	"
Hot Tub	0.006	"	"
Pool	0.153	"	"
	<hr/>		
	0.70		

James S. Walker
12980 Ward Ln.
Colorado Springs, CO 80908

MAR 17 2009

ROBERT C. "BOB" BALINK El Paso County, CO
08/05/2008 02:56:50 PM
Doc \$0.00 Page
Rec \$6.00 1 of 1
208088499



WATER RESOURCES
STATE ENGINEER
COLORADO

This Space for Recorder's Use Only

Document Prepared By:
Ronald E Meharg, PH#: 888-362-9638
Property Address:
12980 Ward Lane
Colorado Springs, CO 80908
When Recorded Return To:
DOCX
1111 Alderman Drive
Suite 350
Alpharetta, GA 30005

CORrdtrwn-eR2.0 07/08/08 Copyright (c) 2008 By DOCX LLC		
BOA	173	2003002587

CRef#:08/04/2008-PRef#:R056-POF Date:05/06/2008-Print Batch ID:56668



REQUEST FOR RELEASE OF DEED OF TRUST AND RELEASE

Without Production of the Evidence of Debt pursuant to §38-39-102(3.5), C.R.S.

TO THE PUBLIC TRUSTEE of County of El Paso, COLORADO, the undersigned, in behalf of Bank of America, N.A. successor by merger to BA Mortgage, LLC as successor in interest by merger of NationsBanc Mortgage Corporation whose address is 4161 Piedmont Pkwy, Greensboro, NC, 27410-8110, requests that you please execute this release, as the indebtedness has been fully paid and/or the terms and conditions of the Trust have been fully satisfied.

Original Borrower(s): JAMES G. WALKER AND ROSEMARY V. WALKER
Current Address: 12980 Ward Lane Colorado Springs, CO 80908
Original Beneficiary: FIRST COLORADO MORTGAGE CORPORATION
Date of Deed of Trust: 12/11/1998 Loan Amount: \$86,000.00
Recording Date: 12/23/1998 Book: N/A Page: N/A Document #: 098189203

and recorded in the official records of the County of El Paso, State of Colorado affecting Real Property and more particularly described on said Deed of Trust referred to herein.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on this date of 07/31/2008.

The undersigned, in lieu of the production of the original evidence of debt, certifies as follows:

1. The purpose of the Deed of Trust has been fully satisfied.
2. The original evidence of debt is not being produced herewith.
3. The current lender agrees that it is obligated to indemnify the Public Trustee pursuant to §38-39-102(3.5)(a), C.R.S. for any and all damages, costs, liabilities, and reasonable attorney fees incurred as a result of the action of the Public Trustee taken in accordance with this Request for Release.
4. It is one of the entities described in §38-39-102(3.5)(b), C.R.S.

Current Lender: Bank of America, N.A. successor by merger to BA Mortgage, LLC as successor in interest by merger of NationsBanc Mortgage Corporation

Jessica Ohde

Jessica Ohde
Vice President

Christie Baldwin

Christie Baldwin
Vice President

State of GA
County of Fulton

On this date of 07/31/2008, before me, the undersigned authority, a Notary Public duly commissioned, qualified and acting within and for the aforementioned State and County, personally appeared the within named Christie Baldwin and Jessica Ohde, known to me (or identified to me on the basis of satisfactory evidence) that they are the Vice President and Vice President respectively of Bank of America, N.A. successor by merger to BA Mortgage, LLC as successor in interest by merger of NationsBanc Mortgage Corporation and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and in behalf of said corporation and that said corporation executed the same, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

Witness my hand and official seal on the date hereinabove set forth.

Nchimunya Hamwanza
Notary Public: Nchimunya Hamwanza
My Commission Expires: 09/04/2011



Nchimunya Hamwanza
NOTARY PUBLIC
Fulton County
State of Georgia
My Commission Expires
September 4, 2011

WHEREAS, the above named Grantors, by Deed of Trust, conveyed certain Real Property described in said Deed of Trust to the above name Public Trustee, to be held in trust to secure the payment of the indebtedness referred to therein; and,

WHEREAS, the indebtedness secured by the Deed of Trust has been fully or partially paid and/or the purpose of said Deed of Trust has been fully satisfied as set forth in the written request of the current lender.

NOW THEREFORE, in consideration of the premises and payment of the statutory sum, receipt of which is hereby acknowledged, I, as the Public Trustee referenced above, do hereby remise, release and quitclaim unto the present owner or owners of said Real Property, and unto the heirs, successors and assigns of such owner or owners forever, all the right, title and interest which I have under and by virtue of the aforesaid Deed of Trust in the real estate describe therein, to have and to hold the same, with all the privileges and appurtenances thereunto belonging forever; and, further I do hereby fully and absolutely release, cancel and forever discharge said Deed of Trust.

EL PASO COUNTY PUBLIC TRUSTEE
Public Trustee

[Signature]
Deputy Public Trustee

STATE OF COLORADO
COUNTY OF EL PASO
Signed by Cheryl Martinez, Deputy, on August 4,
2008. (Notarization is no longer required in
Colorado per C.R.S. §38-35-106)

EXEMPT WELL DATA SHEET - DENVER BASIN, COLORADO

APPLICANT: RUCKER RECEIPT NO. 364031
 LOCATION: NW1/4 OF SE1/4 OF SEC. 9, T.12S., R.65W. (2300 SSL, 2320 ESL)

PROPOSED AQUIFER:
 SURFACE ELEVATION: 7610 NUMBER OF ACRES IN TRACT: 20

Decided Tows & Tracts

IS PROPERTY WITHIN SERVICE BOUNDARIES OF MUNICIPALITY S.B.5 CONSENT MAPS? NO YES
 IF SUBDIVISION IS UNDER AUGMENTATION PLAN, CASE NO. IS _____, DIV. _____
 IF SUBDIVISION WAS RECOMMENDED FOR APPROVAL BY THE WATER MANAGEMENT BRANCH, DATE OF LETTER IS _____
 INFORMATION ON SUBDIVISION OR TRACT OF LAND/SPECIAL RESTRICTIONS:

evaluated by JWB on JANUARY 24, 1994

AQUIFER	ELEVATION		NET SAND	DEPTH TO		ANNUAL APPROP A-F	STATUS
	BOT.	TOP		BOT.	TOP		
UPPER DAWSON	6603	7433	415	1007	177	16.600	NNT
LOWER DAWSON	---	---	---	---	---	---	---
DENVER	5702	6602	371	1908	1008	12.580	NNT
UPPER ARAPAHOE	5153	5643	255	2457	1967	8.636	NT
LOWER ARAPAHOE	---	---	---	---	---	---	---
LARAMIE-FOX HILLS	4583	4921	191	3027	2689	5.730	NT

4070 Appl. 1994

note: E indicates location is at aquifer boundary and values may be more approximate.
 * indicates the proposed aquifer.

All values are interpolated from the S.B.5 data base assembled in November of 1986.

Blank - Separates Permits

WELL PERMIT NUMBER		<u>74767</u>	<u>-F</u>	<u>-</u>
DIV. 2	WD 10	DES. BASIN	MD	

APPLICANT

MIKE LUDWIG
12855 LINNWOOD LN
BLACK FOREST, CO 80908-

(303) 829-7882

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 SE 1/4 Section 9
Township 12 S Range 65 W Sixth P.M.

DISTANCES FROM SECTION LINES

1887 Ft. from South Section Line
2017 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 528535 Northing: 4318846

PERMIT TO CONSTRUCT A WELL (AMENDED)

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

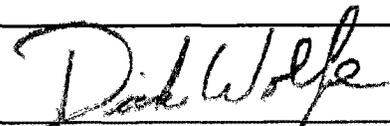
Page 1 of 2

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the James G. Walker, et al. Plan for Augmentation approved by the Division 2 Water Court in consolidated case nos. 07CW49 (Div. 2) and 07CW104 (Div. 1). If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) The total depth of the well shall not exceed 995 feet, which corresponds to the base of the Dawson aquifer. At a minimum, plain casing shall be installed and grouted through all unconsolidated materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.
- 5) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling, including incidental commercial uses such as a home office or a home-based business, the irrigation of home gardens and landscaping, decorative ponds and fountains, hot tubs and swimming pools, fire fighting, and livestock watering.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The allowed annual amount of ground water to be withdrawn by this well individually shall not exceed 0.7 acre-foot (228,100 gallons), and in combination with all other Dawson aquifer wells operated pursuant to the plan for augmentation in case no. 07CW49, shall not exceed 2.8 acre-feet.
- 8) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 9) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 10) This well shall be constructed not more than 200 feet from the location specified on this permit.
- 11) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

APPROVED
CRF



State Engineer



By

Receipt No. 3648709A

DATE ISSUED 01-26-2011

EXPIRATION DATE 01-26-2012

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us/pubs/forms.asp>

NOTE: Permit Condition of Approval No. 11 has been waived. April 14, 2011. MPS 04/14/2011

WELL PERMIT NUMBER		74767	-F	-
DIV. 2	WD 10	DES. BASIN	MD	

APPLICANT

MIKE LUDWIG
12855 LINNWOOD LN
BLACK FOREST, CO 80908-

(303) 829-7882

Lot: 2 Block: Filing: Subdiv: WALKER PLACE

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 SE 1/4 Section 9
Township 12 S Range 65 W Sixth P.M.

DISTANCES FROM SECTION LINES

1887 Ft. from South Section Line
2017 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 528535 Northing: 4318846

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

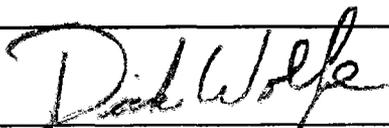
Page 1 of 2

CONDITIONS OF APPROVAL

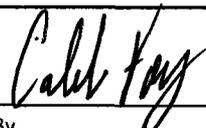
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- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the James G. Walker, et al. Plan for Augmentation approved by the Division 2 Water Court in consolidated case nos. 07CW49 (Div. 2) and 07CW104 (Div. 1). If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
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- 11) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

APPROVED
CRF



State Engineer



By

Receipt No. 3648709A

DATE ISSUED 01-26-2011

EXPIRATION DATE 01-26-2012

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us/pubs/forms.asp>

2 x 11ab

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST., RM 818, DENVER, CO 80203
phone - info: (303) 866-3587 main: (303) 866-3581
fax: (303) 866-3589 http://www.water.state.co.us

Office Use Only
Form GWS-44 (07/2009)
RECEIVED
JAN 13 2011
WATER RESOURCES
STATE ENGINEER
COLORADO

RESIDENTIAL Note: Also use this form to apply for livestock watering
Water Well Permit Application
Review form instructions prior to completing form.
The form must be completed in black or blue ink or typed.

1. Applicant Information

Name of applicant
Mike Ludwig

Mailing address
12855 Linnwood Lane

City **Black Forest** State **CO** Zip code **80908**

Telephone # **(303)-829-7882** E-mail (optional) **C: 719-494-2186**

2. Type Of Application (check applicable boxes)

Construct new well
 Replace existing well
 Use existing well
 Change or Increase use

Change source (aquifer)
 Reapplication (expired permit)
 Rooftop precip. collection
 Other:

3. Refer To (if applicable)

Well permit # _____ Water Court case # _____

Designated Basin Determination # _____ Well name or # _____

4. Location Of Proposed Well (Important! See Instructions)

County **El Paso** NW 1/4 of the SE 1/4

Section **9** Township **12** N or S Range **65** E or W Principal Meridian **6th**

Distance of well from section lines (section lines are typically not property lines)
1887 Ft. from N S **2017** Ft. from E W

For replacement wells only - distance and direction from old well to new well
feet _____ direction _____

Well location address (Include City, State, Zip) _____ Check if well address is same as in Item 1.

Optional: GPS well location information in UTM format. GPS unit settings are as follows:

Format must be UTM
 Zone 12 or Zone 13
Units must be Meters
Datum must be NAD83
Unit must be set to true north
Was GPS unit checked for above? YES
Remember to set Datum to NAD83

Easting: **0528535**
Northing: **4318846**

5. Parcel On Which Well Will Be Located (YOU MUST ATTACH A CURRENT DEED FOR THE SUBJECT PARCEL)

A. You must check and complete one of the following:
 Subdivision: Name **Walker Place**
Lot **2** Block _____ Filing/Unit _____
 County exemption (attach copy of county approval & survey):
Name/# _____ Lot # _____
 Parcel less than 35 acres, not in a subdivision, attach a deed with metes and bounds description recorded prior to June 1, 1972, and a current deed
 Mining claim (attach a copy of the deed or survey): Name/# _____
 Square 40 acre parcel as described in Item 4
 Parcel of 35 or more acres (attach a metes and bounds description or survey)
 Other (attach metes & bounds description or survey and supporting documents)

B. # of acres in parcel **10.34**
C. Are you the owner of this parcel?
 YES NO (if no - see instructions)

D. Will this be the only well on this parcel? YES NO (if no - list other wells)

E. State Parcel ID# (optional):

6. Use Of Well (check applicable boxes)

See instructions to determine use(s) for which you may qualify
 A. Ordinary household use in one single-family dwelling (no outside use)
 B. Ordinary household use in 1 to 3 single-family dwellings:
Number of dwellings: _____
 Home garden/lawn irrigation, not to exceed one acre:
area irrigated _____ sq. ft. acre
 Domestic animal watering - (non-commercial)
 C. Livestock watering (on farm/ranch/range/pasture)

7. Well Data (proposed)

Maximum pumping rate **15** gpm Annual amount to be withdrawn **0.7** acre-feet
Total depth **310-400** feet Aquifer **Dawson**

8. Water Supplier

Is this parcel within boundaries of a water service area? YES NO
If yes, provide name of supplier:

9. Type Of Sewage System

Septic tank / absorption leach field
 Central system: District name:
 Vault: Location sewage to be hauled to:
 Other (attach copy of engineering design and report)

10. Proposed Well Driller License #(optional): 71

11. Signature Of Applicant(s) Or Authorized Agent

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.
Sign here (Must be original signature) _____ Date **1/10/11**
Print name & title
Owner **Michael S. Ludwig**

Office Use Only

USGS map name _____ DWR map no. _____ Surface elev. **7620'**

Note: Lett 60' well spacing cond. off per CRS 37-10 137(2)(b)(iii) even w/ home-based business as an approved use See note on 68030-F CRF 1/25/2011 AQUAMAP/ WE / WR / CWCB / TOPO / MYLAR / SBS

Receipt area only
Trans Number: 3648709 A
1/13/2011 1:18:20 PM
Geoff Davis (21)
Total Trans Amt: \$200.00
CHECK
Check Number: 13344
Check Amount: \$200.00

Div. 2
07CW49

See attached Decree
In Case No 07CW49

DIV **2** WD **10** BA _____ MD _____

Electronically Recorded Official Records El Paso County CO
Robert C. "Bob" Balink Clerk and Recorder
TD1000 Y

RECEIVED

JAN 13 2011

WATER RESOURCES
STATE ENGINEER
COLO

WARRANTY DEED

THIS DEED, made this 5th day of April, 2010, between James G. Walker and Rosemary V. Walker of the County of El Paso and State of Colorado, grantor(s), and Michael S. Ludwig

whose legal address is , ,

of the County of El Paso and State of Colorado, grantees:

WITNESS, that the grantor(s), for and in consideration of the sum of ONE HUNDRED NINETY SIX THOUSAND AND 00/100 DOLLARS (\$196,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, in Severalty, all the real property, together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

Lot 2, Walker Place, together with Access Rights set forth in Common Access Maintenance Agreement recorded March 29, 2010 at Reception No. 210028459, El Paso County, Colorado.

also known by street and number as: 12980 Ward Lane, Colorado Springs, CO 80908

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except general taxes for the current year and subsequent years, and except easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

James G. Walker
James G. Walker

Rosemary V. Walker
Rosemary V. Walker

State of Colorado)
County Of) ss.

The foregoing instrument was acknowledged before me this April 5, 2010, by James G. Walker and Rosemary V. Walker.

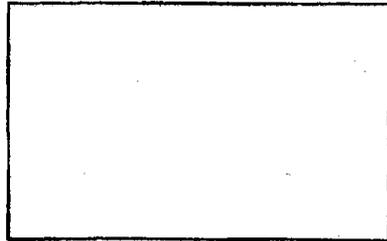
My Commission expires: **PATRICIA M. TURNER**
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 11/25/2013

Witness my hand and official seal.
[Signature]
Notary Public

9111

SPECIAL WARRANTY DEED

THIS DEED, dated April 5, 2010 between James G. Walker and Rosemary V. Walker ("Grantors"), whose address is 12980 Ward Lane, Colorado Springs, Colorado 80908, and Michael S. Ludwig ("Grantee"), whose address is 12855 Linnwood Lane, Colorado Springs, Colorado 80908, of the County of El Paso, and State of Colorado:



WITNESS, that the Grantors, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell convey and confirm unto the grantee, his heirs and assigns forever, all the real property, together with improvements, if any situate, lying and being in the County of El Paso and State of Colorado, described as follows:

All water rights and ground water rights related to, used upon, underlying, or appurtenant to Lot No. 2 of the Walker Place Minor Subdivision as approved by the El Paso County Board of County Commissioners on December 17, 2009, and as recorded with the Clerk and Recorder of El Paso County at Reception No. 210900026, including, without limitation, the ground water rights and rights to extract and use ground water within the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin related to said Lot No. 2, being a pro-rata percentage of the total underlying ground water, whether nontributary or not nontributary, as adjudicated by the May 12, 2008 Findings of Fact, Conclusions of Law, Judgment and Decree granting underground water rights and approving a plan for augmentation in Case No. 07CW49 of the District Court for Water Division 2, State of Colorado ("Decree and Plan for Augmentation"). The Decree and Plan for Augmentation is recorded with the El Paso County Recorder at Reception No. . Pursuant to the terms of the Decree and Plan for Augmentation in Case No. 07CW49, said Denver Basin water rights, being a 1/4 pro-rata portion of the total water rights adjudicated in the Decree and Plan for augmentation, are specifically described as follows:

IS ATTACHED HERETO AS EXHIBIT A

- Dawson aquifer: 822 acre feet; (2.74 annual acre feet, based upon a 300 year aquifer life)
- Denver aquifer: 621 acre feet; (2.07 annual acre feet)
- Arapahoe aquifer: 432 acre feet; (1.44 annual acre feet)
- Laramie-Fox Hills aquifer: 288 acre feet; (0.96 annual acre feet)

Grantee is also specifically conveyed the all rights and interests to one of the four Dawson aquifer wells authorized by the Decree and Plan for Augmentation. The water rights conveyed herein are intended to provide a 300 year water supply for Lot No. 2 of the Walker Place Minor Subdivision as referenced above. Therefore, these water rights shall run with the land, must be transferred to all successors and assigns of Grantee, may not be separated from transfer of title to the land, and may not be separately conveyed, bartered, liened or encumbered.

The decreed amounts of ground water may be adjusted upward or downward pursuant to the retained jurisdiction of the Water Court in the Decree and Plan for Augmentation. This conveyance includes a proportionate interest in the rights to the Decree and Plan for Augmentation related to and based upon Grantees' Lot No. 2 within the Walker Place Minor Subdivision, and the right to receive one well permit thereunder, together with all obligations and responsibilities for compliance with the Decree and Plan for Augmentation relating to Grantees' Lot. This conveyance is subject to the terms and provisions of the Decree and Plan for Augmentation. This conveyance is also subject to the terms and provisions of the

911

FELT, MONSON & CULICHIA, LLC

319 N. WEBER STREET
COLORADO SPRINGS, CO 80903

JAMES G. FELT
STEVEN T. MONSON
JAMES W. CULICHIA

CHRISTOPHER D. CUMMINS
DAVID M. SHOHE
MICHAEL J. GUSTAFSON

TELEPHONE: (719) 471-1212
FAX: (719) 471-1234
cdc@fmcwater.com

RECEIVED

JAN 13 2011

**WATER RESOURCES
STATE ENGINEER
COLORADO**

January 12, 2011

Office of the State Engineer
Colorado Division of Water Resources
818 Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Re: Application for Re-Permitting of Residential Well Permit, Second Well Permit

To Whom it May Concern:

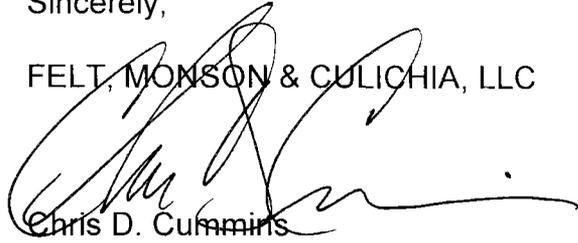
This firm represents Michael S. Ludwig, who has acquired a 3/4 interest in the Denver Basin groundwater adjudicated in Case No. 07CW49 (consolidated in Division 2), and the plan for augmentation decreed therein. Mr. Ludwig currently obtains his domestic supply from the well permitted as Permit No. 28311, an "exempt domestic well". Pursuant to the terms of the decree in Case No. 07CW49, this well was to be re-permitted consistent with the terms of the Plan for Augmentation therein, and one of the enclosed applications is intended, in part, to do just that. However, the 28311 well is showing signs of failure, and Mr. Ludwig's consultants at Hamacher Drilling have advised that an emergency redrill is in order. As such, Mr. Ludwig also requests an "emergency" processing of this re-permitting application to allow for an immediate re-drill of a replacement well, as specified therein.

Mr. Ludwig's interests provide him with entitlements to up to three wells under the Plan for Augmentation decreed in Case No. 07CW49. At this time, Mr. Ludwig seeks one additional well permit. Enclosed herein please find a GWS-44 Application for the emergency redrill of the residential well currently permitted as Well Permit No. 28311, and for re-permitting of that well consistent with the terms and conditions of the Decree in Case No. 07CW49, along with the required \$100.00 filing fee. Also enclosed, please find a GWS-44 Application for the second of three wells to which Mr. Ludwig is entitled pursuant to Case No. 07CW49's decreed plan for augmentation. Attached to each of the applications is a Warranty Deed demonstrating Mr. Ludwig's ownership. Also enclosed herein are a copy of the decree in Case No. 07CW49, and a copy of the deeds transferring title to the Denver Basin groundwater underlying Mr. Ludwig's properties to Mr. Ludwig.

Please copy this office on any correspondence with the Applicants, as well as with a copy of the well permit when issued. Thank you, and do not hesitate to contact me with any questions or comments.

Sincerely,

FELT, MONSON & CULICHIA, LLC

A handwritten signature in black ink, appearing to read "Chris D. Cummins", is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

encl.

cc: Michael S. Ludwig
Hamacher Drilling

Bedrock Aquifer Evaluation Determination Tool

Denver Basin Aquifer - Specific Location Determination Tool

Applicant: Mike Ludwig
Receipt No: 3648709A
Evaluated By: CRF

Location: NW 1/4 of SE 1/4 of Sec. 9, T.12S, R.65W. (1887 SSL, 2017 ESL)
Basin Designation: Location is within the UNKNOWN Designated Ground Water Basin.
Ground Surface Elevation: 7620 Feet **Number of Acres:** 10.34

AQUIFER	ELEVATION (ft)		NET SAND	DEPTH TO (ft)		ANNUAL APPROP. (A- F)	STATUS
	Bot.	Top		Bot.	Top		
Upper Dawson	6606	7425	409.1	1014	996 195	8.46	NNT
Lower Dawson	--	--	--	--	--	--	--
Denver	5705	6604	366.1	1915	1016 1034	6.43	NNT
Upper Arapahoe	5155	5646	254.9	2465	1974	4.48	NT
Lower Arapahoe	--	--	--	--	--	--	--
Laramie-Fox Hills	4588	4922	191.1	3032	2698	2.96	NT

NOTE: 'E' indicates a location is at an aquifer boundary and the values may be more approximate.

FORM NO. CWS-32 02/2005	PUMP INSTALLATION AND TEST REPORT STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 818, Denver, CO 80203 Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us	For Office Use Only RECEIVED APR 23 2011 WATER RESOURCES STATE ENGINEER COLO												
1. WELL PERMIT NUMBER: 74767-F														
2. WELL OWNER INFORMATION NAME OF OWNER LUDWIG DRILLING														
MAILING ADDRESS PO BOX 1059														
CITY CASTLE ROCK	STATE CO	ZIP CODE 80104												
TELEPHONE # () - (303) 829-7882														
3. WELL LOCATION AS DRILLED: NW 1/4, SE 1/4 Sec. 9 Twp 12 <input type="checkbox"/> N or <input checked="" type="checkbox"/> S, Range 65 <input type="checkbox"/> E or <input checked="" type="checkbox"/> W DISTANCES FROM SEC. LINES: 1887 ft. from <input type="checkbox"/> N or <input checked="" type="checkbox"/> S section line and 2017 ft. from <input checked="" type="checkbox"/> E or <input type="checkbox"/> W section line. SUBDIVISION: WALKER PLACE LOT 2 BLOCK _____ FILING (UNIT) _____ Optional GPS Location: GPS Unit must use the following settings. Format must be UTM . Units must be meters . Datum must be NAD83 . Unit must be set to true N . <input type="checkbox"/> Zone 12 or <input checked="" type="checkbox"/> Zone 13 Easting: 528535 Northing: 4318846														
STREET ADDRESS AT WELL LOCATION: LOT 2 WALKER PLACE COLO SPRINGS														
4. PUMP DATA: Type: Submersible Date Installed: 4/20/2011 Pump Manufacturer: FRANKLIN Pump Model No. 10SDQP2HPN4 Design GPM: 10 at RPM 3420 HP 2.00 Volts 230 Full Load Amps 8.1 Pump Intake Depth: 470 Feet, Drop/Column Pipe Size 1.25 Inches, Kind of Drop Pipe PVC ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM, Turbine Driver Type: <input type="checkbox"/> Electric <input type="checkbox"/> Engine <input type="checkbox"/> Other _____ <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Design Head</td> <td style="width:20%;">feet</td> <td style="width:30%;">Number of Stages</td> <td style="width:20%;">Shaft size</td> <td style="width:10%;">inches</td> </tr> </table>			Design Head	feet	Number of Stages	Shaft size	inches							
Design Head	feet	Number of Stages	Shaft size	inches										
5. OTHER EQUIPMENT: Airline Installed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Orifice Depth ft. _____ Monitor Tube Installed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Depth ft. _____ Flow Meter Mtg. HAYS Meter Serial No. 31001240 Meter Readout: <input checked="" type="checkbox"/> Gallons, <input type="checkbox"/> Thousand Gallons, <input type="checkbox"/> Acre feet Beginning Reading 0														
6. TEST DATA: <input type="checkbox"/> check box if Test Data is submitted on Supplemental Form. <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Total Well Depth: 495 ft.</td> <td style="width:20%;">Date: 4/20/2011</td> <td style="width:30%;"></td> <td style="width:20%;"></td> </tr> <tr> <td>Static Level: 232 ft.</td> <td>Time: _____</td> <td>Rate (gpm): 13</td> <td>_____</td> </tr> <tr> <td>Date Measured: 4/20/2011</td> <td>Pumping Level (ft): 470</td> <td>_____</td> <td>_____</td> </tr> </table>			Total Well Depth: 495 ft.	Date: 4/20/2011			Static Level: 232 ft.	Time: _____	Rate (gpm): 13	_____	Date Measured: 4/20/2011	Pumping Level (ft): 470	_____	_____
Total Well Depth: 495 ft.	Date: 4/20/2011													
Static Level: 232 ft.	Time: _____	Rate (gpm): 13	_____											
Date Measured: 4/20/2011	Pumping Level (ft): 470	_____	_____											
7. DISINFECTION: Type HTH Amt. Used 1 CUP														
8. Water Quality analysis available: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. If yes, please submit with this report.														
9. Remarks: _____														
10. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to \$5000 and/or revocation of the contracting license.]														
Company Name: Hamacher Well Works, Inc	Phone: (719) 541-2460	License Number: 779												
Mailing Address: 31800 Hwy 24, P.O. Box 86 Simla, CO 80835														
Signature: <i>J. R. Hamacher</i>	Print Name and Title: TR Hamacher	Date: 4/22/2011												



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

April 14, 2011

Bonnie Hamacher
Hamacher Well Works, Inc.
P.O. Box 86
Simla, Colorado 80835

Re: Request for Waiver of Geophysical Logging Requirement, Permit No. 74767-F

Dear Ms Hamacher:

I have evaluated your faxed request of April 13, 2011, for a waiver of the geophysical logging requirement attached to the above referenced permit, issued to Mike Ludwig.

Permit No. 74767-F approves the construction of a well to divert water from the Dawson Aquifer. The proposed well would not fully penetrate the uppermost aquifer, and would not provide data on the depth to the top of the Denver aquifer, or the thickness of the confining layer separating the uppermost aquifer from the next lower aquifer.

Therefore, Permit Condition of Approval No. 11 is waived on the basis that a geophysical log would not provide the Division with data useful to administration of the ground water in this area.

This waiver does not abrogate the well owner's or well construction contractor's responsibility to fulfill all requirements of any applicable court decree.

A copy of the amended permit has been attached.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Michael P Schaub
Geologist, Geotechnical Services Branch
Colorado Division of Water Resources

Attachment

cc: Permit File
Mike Ludwig

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

HAMACHER WELL WORKS, INC.

T.R. "SHORTY" HAMACHER
WELL DRILLING, PUMPS, WINDMILLS,
& PIPELINES
P.O. BOX 86
SIMLA, COLORADO 80835
719-541-2460

FAX COVER

DATE: 4-13-11

TO: Colo Water Resources

ATTN: Michael

FAX # 303-866-3589

FROM: Bonnie

TIME FAXED 3:18 pm

Hamacher Well Works Inc

RE: Permit #'s 74768 F Dawson
& 74767 - F Dawson

both can be waived.

FAXING 1 PAGES INCLUDING FAX COVER

COMMENTS

request for Geophy log requirement
be waived

PLEASE CONTACT US IF NOT RECEIVED IN READABLE CONDITION 719-541-2460

Thank you.

Blank - Separates Permits

WELL PERMIT NUMBER <u>74768</u> -F-	
DIV. 2	WD 10 DES. BASIN MD

APPLICANT

MIKE LUDWIG
12855 LINNWOOD LN
BLACK FOREST, CO 80908-

(303) 829-7882

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 SE 1/4 Section 9
Township 12 S Range 65 W Sixth P.M.

DISTANCES FROM SECTION LINES

1511 Ft. from South Section Line
1460 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 528705 Northing: 4318733

PERMIT TO CONSTRUCT A WELL (AMENDED)

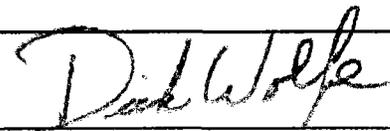
ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

Page 1 of 2

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the James G. Walker, et al. Plan for Augmentation approved by the Division 2 Water Court in consolidated case nos. 07CW49 (Div. 2) and 07CW104 (Div. 1). If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) Approved for the replacement and expanded use of an existing well, permit no. 28311. Upon completion of the new well, the old well must be plugged and abandoned in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report form must be submitted within sixty (60) days of abandonment of the old well.
- 5) The total depth of the well shall not exceed 995 feet, which corresponds to the base of the Dawson aquifer. At a minimum, plain casing shall be installed and grouted through all unconsolidated materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.
- 6) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling, including incidental commercial uses such as a home office or a home-based business, the irrigation of home gardens and landscaping, decorative ponds and fountains, hot tubs and swimming pools, fire fighting, and livestock watering.
- 7) The pumping rate of this well shall not exceed 15 GPM.
- 8) The allowed annual amount of ground water to be withdrawn by this well individually shall not exceed 0.7 acre-foot (228,100 gallons), and in combination with all other Dawson aquifer wells operated pursuant to the plan for augmentation in case no. 07CW49, shall not exceed 2.8 acre-feet.
- 9) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 10) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 11) This well shall be constructed not more than 200 feet from the location specified on this permit and more than 100 feet from the property boundary.

APPROVED
CRF



State Engineer



By

Receipt No. 3648709B

DATE ISSUED 01-26-2011

EXPIRATION DATE 01-26-2012

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 12) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.

NOTICE: This permit has been approved for for the following change: the UTM Northing coordinate was amended based on the distances from section lines provided by the applicant. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us/pubs/forms.asp>

NOTE: Permit Condition of Approval No. 12 has been waived. April 14, 2011 MPS 04/14/2011

WELL PERMIT NUMBER 74768 - F -
DIV. 2 WD 10 DES. BASIN MD

APPLICANT

MIKE LUDWIG
12855 LINNWOOD LN
BLACK FOREST, CO 80908-

(303) 829-7882

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EL PASO COUNTY
NW 1/4 SE 1/4 Section 9
Township 12 S Range 65 W Sixth P.M.

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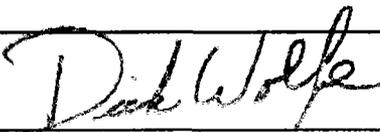
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Page 1 of 2

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APPROVED
CRF


State Engineer


By

Receipt No. 3648709B

DATE ISSUED 01-26-2011

EXPIRATION DATE 01-26-2012

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CONDITIONS OF APPROVAL

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NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

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COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
 1313 SHERMAN ST., RM 818, DENVER, CO 80203
 phone - info: (303) 866-3587 main: (303) 866-3581
 fax: (303) 866-3589 http://www.water.state.co.us

Office Use Only

Form GWS-44 (07/2009)

RECEIVED

JAN 13 2011

WATER RESOURCES
 STATE ENGINEER
 COLO

RESIDENTIAL Note: Also use this form to apply for livestock watering
Water Well Permit Application
 Review form instructions prior to completing form.
 The form must be completed in black or blue ink or typed.

1. Applicant Information

Name of applicant

Mike Ludwig

Mailing address

12855 Linnwood Lane

City

Black Forest

State

CO

Zip code

80908

Telephone #

(303)-829-7882

E-mail (optional)

C: 719-494-2186

2. Type Of Application (check applicable boxes)

- Construct new well
 Replace existing well
 Use existing well
 Change or increase use
- Change source (aquifer)
 Reapplication (expired permit)
 Rooftop precip. collection
 Other:

3. Refer To (if applicable)

EMERGENCY

Well permit #

28311

Water Court case #

Designated Basin Determination #

Well name or #

4. Location Of Proposed Well (Important! See Instructions)

County

El Paso

NW

1/4 of the SE 1/4

Section

9

Township

12

N or S

N S

Range

65

E or W

E W

Principal Meridian

6th

Distance of well from section lines (section lines are typically not property lines)

1511

FL from

N S

1460

Ft. from

E W

For replacement wells only - distance and direction from old well to new well

feet

direction

Well location address (Include City, State, Zip)

Depth 310

Old well 0528663 - 4138855

Optional: GPS well location information in UTM format. GPS unit settings are as follows:

Format must be UTM

Zone 12 or Zone 13

Units must be Meters

Datum must be NAD83

Unit must be set to true north

Was GPS unit checked for above? YES

Remember to set Datum to NAD83

Easting: 0528705

Northing: 4138733

5. Parcel On Which Well Will Be Located

(YOU MUST ATTACH A CURRENT DEED FOR THE SUBJECT PARCEL)

A. You must check and complete one of the following:

- Subdivision: Name
 Lot _____ Block _____ Filing/Unit _____
- County exemption (attach copy of county approval & survey):
 Name/# _____ Lot # _____
- Parcel less than 35 acres, not in a subdivision, attach a deed with metes and bounds description recorded prior to June 1, 1972, and a current deed
- Mining claim (attach a copy of the deed or survey): Name/# _____
- Square 40 acre parcel as described in Item 4
- Parcel of 35 or more acres (attach a metes and bounds description or survey)
- Other (attach metes & bounds description or survey and supporting documents)

B. # of acres in parcel

20

C. Are you the owner of this parcel?

YES NO (if no - see instructions)

D. Will this be the only well on this parcel?

YES NO (if no - list other wells)

E. State Parcel ID# (optional):

6. Use Of Well (check applicable boxes)

See instructions to determine use(s) for which you may qualify

- A. Ordinary household use in one single-family dwelling (no outside use)
- B. Ordinary household use in 1 to 3 single-family dwellings:
 Number of dwellings: _____
- Home garden/lawn irrigation, not to exceed one acre:
 area irrigated _____ sq. ft. acre
- Domestic animal watering - (non-commercial)
- C. Livestock watering (on farm/ranch/range/pasture)

See attached Deed in Case No 07CW49

7. Well Data (proposed)

Maximum pumping rate	gpm	Annual amount to be withdrawn	acre-feet
15		0.7	
Total depth	feet	Aquifer	
310-400		Dawson	

8. Water Supplier

Is this parcel within boundaries of a water service area? YES NO
 If yes, provide name of supplier:

9. Type Of Sewage System

- Septic tank / absorption leach field
- Central system: District name: _____
- Vault: Location sewage to be hauled to: _____
- Other (attach copy of engineering design and report)

10. Proposed Well Driller License #(optional): 71

11. Signature Of Applicant(s) Or Authorized Agent

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Sign here (Must be original signature)

Michael S. Ludwig

Date

1/10/11

Print name & title

Owner Michael S. Ludwig

Office Use Only

USGS map name	DWR map no.	Surface elev.
		7620'

Note: Left 60' well spacing cond. off per CRS 37-90-137(2)(4)(11), even w/ home-based business as an approved use See note on 6830-F CRF 1/25/2011

Receipt area only

Trans Number: 3048709
 1/13/2011 1:18:20 PM
 Geoff Davis (21)
 Total Trans Amt: \$200.00
 CHECK
 Check Number: 13344
 Check Amount: \$200.00

AQUAMAP ✓

WE ✓

WR ✓

CWCB ✓

TOPO ✓

MYLAR

SBS

N: 4318733

Notice to Appeal

DIV 2 WD 10 BA _____ MD _____

Div 2
 07CW49

Electronically Recorded Official Records El Paso County CO
Robert C. "Bob" Balink Clerk and Recorder
TD1000 Y

RECEIVED
JAN 13 2011
WATER RESOURCES
STATE ENGINEER
COLO

WARRANTY DEED

THIS DEED, made this 5 day of August, 2009, between James J. Munson and Alecia K. Munson of the County of El Paso and State of Colorado, grantor(s), and Michael S. Ludwig

whose legal address is P.O. Box 1059, Castle Rock, CO 80104

of the County of El Paso and State of Colorado, grantees:

WITNESS, that the grantor(s), for and in consideration of the sum of SIX HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$650,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, in Severalty, all the real property, together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

The East Half of the Northwest Quarter of the Southeast Quarter of Section 9 in Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado.

also known by street and number as: 12855 Linnwood Lane, Colorado Springs, CO 80908

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

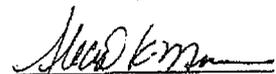
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the onsealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except general taxes for the current year and subsequent years, and except easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

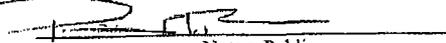

James J. Munson


Alecia K. Munson

State of Colorado }
County Of El Paso } ss.

The foregoing instrument was acknowledged before me this , by James J. Munson and Alecia K. Munson.
My Commission expires: Witness my hand and official seal.

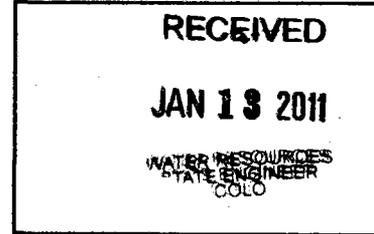
PATRICIA A. TILLEY
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 11-25-2009


Notary Public



QUITCLAIM DEED

THIS DEED, dated 6-24-10, 2010 between James J. Munson and Alecia K. Munson, ("Grantors"), and Michael ___ Ludwig ("Grantee"), whose address is 12855 Linnwood Lane, Colorado Springs, Colorado 80908, of the County of El Paso, and State of Colorado:



WITNESS, that the Grantors, by Quitclaim Deed dated August __, 2009, as recorded at Reception No. _____, of the Clerk and Recorder for El Paso County, Colorado ("Original Quitclaim"), did grant, remise, release, sell and quitclaim to Grantee certain water rights underlying real property located in El Paso County, Colorado;

WITNESS, that the Grantors by this Quitclaim Deed intend to correct the description of water rights transferred by the Original Quitclaim and that to the extent this Deed differs from the Original Quitclaim, the terms of this Deed shall Govern.

THEREFORE, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell convey and confirm unto the Grantee, his heirs and assigns forever, all the real property, together with improvements, if any situate, lying and being in the County of El Paso and State of Colorado, described as follows:

All water rights and ground water rights related to, used upon, underlying, or appurtenant to real property described as the E1/2 NW1/4 SE1/4 of Section 9, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, including, without limitation, the ground water rights and rights to extract and use ground water within the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin related to said real property, being a pro-rata percentage of the total underlying ground water, whether nontributary or not nontributary, as adjudicated by the May 12, 2008 Findings of Fact, Conclusions of Law, Judgment and Decree granting underground water rights and approving a plan for augmentation in Case No. 07CW49 of the District Court for Water Division 2, State of Colorado ("Decree and Plan for Augmentation"). The Decree and Plan for Augmentation is recorded with the El Paso County Recorder at Reception No. _____. Pursuant to the terms of the Decree and Plan for Augmentation in Case No. 07CW49, said Denver Basin water rights, being a 1/2 pro-rata portion of the total water rights adjudicated in the Decree and Plan for augmentation, are specifically described as follows:

- Dawson aquifer:* 1644 acre feet; (5.48 annual acre feet, based upon a 300 year aquifer life)
- Denver aquifer:* 1242 acre feet; (4.14 annual acre feet)
- Arapahoe aquifer:* 864 acre feet; (2.88 annual acre feet)
- Laramie-Fox Hills aquifer:* 576 acre feet; (1.92 annual acre feet)

Grantee is also specifically conveyed the all rights and interests to two of the four Dawson aquifer wells authorized by the Decree and Plan for Augmentation, including Well Permit No. 28311. The water rights conveyed herein are intended to provide a 300 year water supply for the real property described above. Therefore, these water rights shall run with the land, must be transferred to all successors and assigns of Grantee, may not be separated from transfer of title to the land, and may not be separately conveyed, bartered, liened or encumbered.

The decreed amounts of ground water may be adjusted upward or downward pursuant to the

retained jurisdiction of the Water Court in the Decree and Plan for Augmentation. This conveyance includes a proportionate interest in the rights to the Decree and Plan for Augmentation related to and based upon Grantees' above-described real property, and the right to receive an additional well permit thereunder, together with all obligations and responsibilities for compliance with the Decree and Plan for Augmentation relating to Grantees' real property. This conveyance is subject to the terms and provisions of the Decree and Plan for Augmentation.

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantors, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, his heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantors have executed this Quitclaim Deed on the date set forth above.

By: [Signature]
James J. Munson

By: [Signature]
Alecia K. Munson

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 24th day of June, 2010, by James J. Munson and Alecia K. Munson.

My commission expires: 06-05-2013

Witness my hand and official seal.

[Signature]
Notary Public



FELT, MONSON & CULICHIA, LLC

319 N. WEBER STREET
COLORADO SPRINGS, CO 80903

JAMES G. FELT
STEVEN T. MONSON
JAMES W. CULICHIA

CHRISTOPHER D. CUMMINS
DAVID M. SHOHEIT
MICHAEL J. GUSTAFSON

TELEPHONE: (719) 471-1212
FAX: (719) 471-1234
cdc@fmcwater.com

RECEIVED

JAN 13 2011

WATER RESOURCES
STATE ENGINEER
COLORADO

January 12, 2011

Office of the State Engineer
Colorado Division of Water Resources
818 Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Re: Application for Re-Permitting of Residential Well Permit, Second Well Permit

To Whom it May Concern:

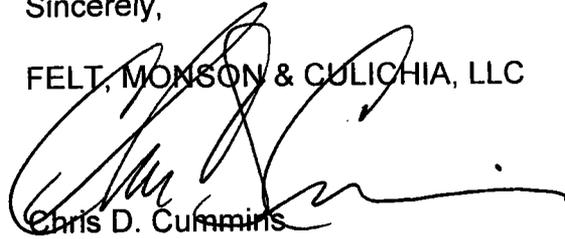
This firm represents Michael S. Ludwig, who has acquired a 3/4 interest in the Denver Basin groundwater adjudicated in Case No. 07CW49 (consolidated in Division 2), and the plan for augmentation decreed therein. Mr. Ludwig currently obtains his domestic supply from the well permitted as Permit No. 28311, an "exempt domestic well". Pursuant to the terms of the decree in Case No. 07CW49, this well was to be re-permitted consistent with the terms of the Plan for Augmentation therein, and one of the enclosed applications is intended, in part, to do just that. However, the 28311 well is showing signs of failure, and Mr. Ludwig's consultants at Hamacher Drilling have advised that an emergency redrill is in order. As such, Mr. Ludwig also requests an "emergency" processing of this re-permitting application to allow for an immediate re-drill of a replacement well, as specified therein.

Mr. Ludwig's interests provide him with entitlements to up to three wells under the Plan for Augmentation decreed in Case No. 07CW49. At this time, Mr. Ludwig seeks one additional well permit. Enclosed herein please find a GWS-44 Application for the emergency redrill of the residential well currently permitted as Well Permit No. 28311, and for re-permitting of that well consistent with the terms and conditions of the Decree in Case No. 07CW49, along with the required \$100.00 filing fee. Also enclosed, please find a GWS-44 Application for the second of three wells to which Mr. Ludwig is entitled pursuant to Case No. 07CW49's decreed plan for augmentation. Attached to each of the applications is a Warranty Deed demonstrating Mr. Ludwig's ownership. Also enclosed herein are a copy of the decree in Case No. 07CW49, and a copy of the deeds transferring title to the Denver Basin groundwater underlying Mr. Ludwig's properties to Mr. Ludwig.

Please copy this office on any correspondence with the Applicants, as well as with a copy of the well permit when issued. Thank you, and do not hesitate to contact me with any questions or comments.

Sincerely,

FELT, MONSON & CULICHIA, LLC

A handwritten signature in black ink, appearing to read "Chris D. Cummins", is written over the typed name.

Chris D. Cummins

encl.

cc: Michael S. Ludwig
Hamacher Drilling

Bedrock Aquifer Evaluation Determination Tool

Denver Basin Aquifer - Specific Location Determination Tool

Applicant: Mike Ludwig
Receipt No: 3648709B
Evaluated By: CRF

Location: NW 1/4 of SE 1/4 of Sec. 9, T.12S, R.65W. (1511 SSL, 1460 ESL)
Basin Designation: Location is within the UNKNOWN Designated Ground Water Basin.
Ground Surface Elevation: 7620 Feet **Number of Acres:** 20

AQUIFER	ELEVATION (ft)		NET SAND	DEPTH TO (ft)		ANNUAL APPROP. (A- F)	STATUS
	Bot.	Top		Bot.	Top		
Upper Dawson	6609	7417	404.3	1011	795 203	16.17	NNT
Lower Dawson	--	--	--	--	--	--	--
Denver	5708	6605	361.0	1912	1015 1031	12.27	NNT
Upper Arapahoe	5159	5649	254.8	2461	1971	8.66	NT
Lower Arapahoe	--	--	--	--	--	--	--
Laramie-Fox Hills	4592	4922	191.2	3028	2698	5.74	NT

NOTE: 'E' indicates a location is at an aquifer boundary and the values may be more approximate.

FORM NO. GWS-31 04/2005	WELL CONSTRUCTION AND TEST REPORT STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 818, Denver, CO 80203 Phone - Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us	For Office Use Only RECEIVED APR 23 2011 WATER RESOURCES STATE ENGINEER COLO							
1. WELL PERMIT NUMBER: 74768-F									
2. WELL OWNER INFORMATION NAME OF WELL OWNER: MIKE LUDWIG MAILING ADDRESS: 12855 LINNWOOD LN CITY: COLO SPRINGS STATE: CO ZIP CODE: 80908 TELEPHONE NUMBER: (303) 829-7882									
3. WELL LOCATION AS DRILLED: NW 1/4, SE 1/4, Sec. 9, Twp. 12 <input type="checkbox"/> N or <input checked="" type="checkbox"/> S, Range 65 <input type="checkbox"/> E or <input checked="" type="checkbox"/> W DISTANCES FROM SEC. LINES: 1511 ft. from <input type="checkbox"/> N or <input checked="" type="checkbox"/> S section line and 1460 ft. from <input checked="" type="checkbox"/> E or <input type="checkbox"/> W section line. SUBDIVISION: _____ LOT _____ BLOCK _____ FILING (UNIT) _____ Optional GPS Location: GPS Unit must use the following settings: Format must be UTM, Units must be meters, Datum must be NAD83, Unit must be set to true N, <input type="checkbox"/> Zone 12 or <input checked="" type="checkbox"/> Zone 13 STREET ADDRESS AT WELL LOCATION: 12855 LINNWOOD LN COLO SPRINGS CO 80908 Northing: 4318733 Owner's Well Designation: Easting: 528705									
4. GROUND SURFACE ELEVATION _____ feet DRILLING METHOD: Rotary air DATE COMPLETED 4/14/2011 TOTAL DEPTH 495 feet DEPTH COMPLETED 495 feet									
5. GEOLOGIC LOG:		6. HOLE DIAM (in.) From (ft) To (ft)							
Depth	Type	Grain Size	Color	Water Loc.					
0 - 2	Topsoil					9	0	41	
2 - 124	Sand & Clay					6.5	41	495	
124 - 130	Clay								
130 - 310	Sand & Clay								
310 - 495	Sand & Gravel								
					7. PLAIN CASING:				
					OD (in)	Kind	Wail Size (in)	From (ft)	To (ft)
					7	Steel	188	+1	41
					4.5	PVC	.25	15	315
					4.5	PVC	.25	335	355
					4.5	PVC	.25	375	395
					PERFORATED CASING: Screen Slot Size (in): 0.030				
					4.5	PVC	.25	315	335
					4.5	PVC	.25	355	375
					4.5	PVC	.25	395	415
					4.5	PVC	.25	435	455
					8. FILTER PACK:		9. PACKER PLACEMENT:		
					Material	Silica Sand		Type	
					Size	6/9		Depth	
					Interval	200 - 495			
					10. GROUTING RECORD				
					Material	Amount	Density	Interval	Placement
					Cement	5 SK	35 GAL	2 - 41	Tremie
Remarks: _____									
11. DISINFECTION: Type HTH Amt. Used 1 CUP									
12. WELL TEST DATA: <input type="checkbox"/> Check box if Test Data is submitted on Form Number GWS 39 Supplemental Well Test.									
Aired & Bailed									
TESTING METHOD									
Static Level 232 ft.		Date/Time measured: 4/14/2011		Production Rate 15 gpm.					
Pumping Level 350 ft.		Date/Time measured: 4/14/2011		Test Length (hrs) 4					
Remarks: _____									
13. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(c), C.R.S., and is punishable by fines up to \$5000 and/or revocation of the contracting license.]									
Company Name: Hamacher Well Works, Inc					Phone: (719) 541-2460		License Number: 71		
Mailing Address: 31800 Hwy 24, P.O. Box 86					Simla, CO 80835				
Signature: J.R. Hamacher			Print Name and Title: TR Hamacher				Date: 4/18/2011		

FORM NO.
GWS-32
02/2005

PUMP INSTALLATION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

1313 Sherman St., Room 818, Denver, CO 80203
Info (303) 866-3587 Main (303) 866-3581
Fax (303) 866-3589 http://www.water.state.co.us

For Office Use Only
RECEIVED

APR 23 2011

**WATER RESOURCES
STATE ENGINEER
COLO**

1. WELL PERMIT NUMBER: 74768-F

2. WELL OWNER INFORMATION

NAME OF OWNER **LUDWIG DRILLING**

MAILING ADDRESS **PO BOX 1059**

CITY **CASTLE ROCK**

STATE **CO**

ZIP CODE **80104**

TELEPHONE #

() - **(303) 829-7882**

3. WELL LOCATION AS DRILLED **NW** 1/4, **SE** 1/4 Sec. **9** Twp **12** N or S, Range **65** E or W

DISTANCES FROM SEC. LINES: **1511** ft. from N or S section line and **1460** ft. from E or W section line.

SUBDIVISION: _____ LOT _____ BLOCK _____ FILING (UNIT) _____

Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units Easting: **528705**
must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, Zone 12 or Zone 13 Northing: **4318733**

STREET ADDRESS AT WELL LOCATION: **12855 LINNWOOD LN HOUSE WELL COLO SPRINGS**

4. PUMP DATA Type: **Submersible** Date Installed: **4/19/2011**

Pump Manufacturer: **FRANKLIN** Pump Model No. **10SDQP2HPN4**

Design GPM: **10** at RPM **3420** HP **2.00** Volts **230** Full Load Amps **8.1**

Pump Intake Depth: **470** Feet, Drop/Column Pipe Size **1.25** inches, Kind of Drop Pipe **PVC**

ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM: Turbine Driver Type: Electric Engine Other _____

Design Head _____ feet Number of Stages _____ Shaft size _____ inches

5. OTHER EQUIPMENT:

Airline installed Yes No, Orifice Depth ft. _____ Monitor Tube Installed Yes No, Depth ft. _____

Flow Meter Mfg. **HAYS** Meter Serial No. **31001231**

Meter Readout: Gallons, Thousand Gallons, Acre feet Beginning Reading **0**

6. TEST DATA: check box if Test Data is submitted on Supplemental Form.

Total Well Depth: **495** ft. Date: **4/19/2011**

Static Level: **232** ft. Time: _____

Date Measured: **4/19/2011** Rate (gpm): **13**

Pumping Level (ft): **470**

7. DISINFECTION: Type **HTH** Amt. Used **1 CUP**

8. Water Quality analysis available: Yes No If yes, please submit with this report.

9. Remarks: _____

10. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to \$5000 and/or revocation of the contracting license.]

Company Name: **Hamacher Well Works, Inc** Phone: **(719) 541-2460** License Number: **79**

Mailing Address: **31800 Hwy 24, P.O. Box 86 Simla, CO 80835**

Signature: *J. B. Hamacher* Print Name and Title: **TR Hamacher** Date: **4/22/2011**



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

April 14, 2011

Bonnie Hamacher
Hamacher Well Works, Inc.
P.O. Box 86
Simla, Colorado 80835

Re: Request for Waiver of Geophysical Logging Requirement, Permit No. 74768-F

Dear Ms Hamacher:

I have evaluated your faxed request of April 13, 2011, for a waiver of the geophysical logging requirement attached to the above referenced permit, issued to Mike Ludwig.

Permit No. 74768-F approves the construction of a well to divert water from the Dawson Aquifer. The proposed well would not fully penetrate the uppermost aquifer, and would not provide data on the depth to the top of the Denver aquifer, or the thickness of the confining layer separating the uppermost aquifer from the next lower aquifer.

Therefore, Permit Condition of Approval No. 12 is waived on the basis that a geophysical log would not provide the Division with data useful to administration of the ground water in this area.

This waiver does not abrogate the well owner's or well construction contractor's responsibility to fulfill all requirements of any applicable court decree.

A copy of the amended permit has been attached.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Michael P Schaub
Geologist, Geotechnical Services Branch
Colorado Division of Water Resources

Attachment

cc: Permit File
Mike Ludwig

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

HAMACHER WELL WORKS, INC.

T.R. "SHORTY" HAMACHER
WELL DRILLING, PUMPS, WINDMILLS,
& PIPELINES
P.O. BOX 86
SIMLA, COLORADO 80835
719-541-2460

FAX COVER

DATE: 4-13-11 TO: Cola Water Resources

ATTN: Michael FAX # 303-816-3589

FROM: Bonnie TIME FAXED 3:18 pm
Hamacher Well Works Inc

RE: Permit #'s 74768 F Dawson both can be
74767 - F Dawson. waived.

FAXING 1 PAGES INCLUDING FAX COVER

COMMENTS

Request for Geophy log requirement
be waived

PLEASE CONTACT US IF NOT RECEIVED IN READABLE CONDITION 719-541-2460

Thank you.

Blank - Separates Permits

FORM 1
5-53/2.51

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

RECEIVED
SEP 19 1958
GROUND WATER SECT.
COLORADO
STATE ENGINEER

Index No. 211
IDWD 2-10
Use Domestic
Registered 9/19/58
Cards Typed 7-20-58

LOG AND HISTORY OF WELL
PERMIT [REDACTED]

Lic. [REDACTED] COUNTY::: EL PASO 21
WELL LOCATION

Drilled by JOE CONIFF COMPANY No. 56

Owner CHARLES E. HELM
8909 Marks Drive
Address El Paso, Texas

NE 1/4 of SE 1/4 of Sect. 9
Twp. 12 S, Rge. 65 W, 6 PM

Tenant _____

LOCATE WELL ACCURATELY IN THE
SMALL SQUARES REPRESENTING
1/40 ACRES

Used for House hold

on or by Home site in County
(description of site or land)

Date Started May 9, 19 58

Date Completed May 15, 19 58

Date Tested May 29, 19 58

Yield 10 plus gpm _____ cfs

Pump type Subm. Size 1 1/2 H.P.

Driven by Elec. Motor RPM 3450

Depth to Inlet 238 Draw down 278 ft

Ground elevation _____
(if known)

Size and Kind of Casing: 6" 20 gauge

How Drilled: _____

From 0 to 115 Type Plain Wt. 3 lbs per Ft. Rotary

From 138 to 184 Type " Wt. "

From 196 to 242 Type " Wt. "

Perforations: Size and Type
288 296 " "

From 115 to 138 Type Double louvre Size 6"

From 184 to 196 Type " Size "

From 242 to 288 Type " Size "

Well description

REMARKS
Cementing, Packing, Type of
Shut-off, Depth to Shut-off, etc.
PUT LOG OF WELL ON REVERSE SIDE

Rotary drilled well to 296 feet,
10 inch hole cased with standard
6 inch 20 gauge galv. steel
casing, gravel packed with
special screened gravel from
bottom to top of well.
Thoroughly washed and bailed out
till water was clear.

Drilled from 0 to 296, 10 in.

from _____ to _____, _____ in.

from _____ to _____, _____ in.

TO BE MADE OUT IN QUADRUPPLICATE: Original Blue and Duplicate Green to State
Engineer's Office, White copy to Owner, and Yellow copy to Driller

LOG OF WELL
ADD SPACES AS NEEDED

From 0 ft. to 13 ft. Gravel & rock.
13 ft. to 39 ft. Clay & gravel
39 ft. to 47 ft. Clay
47 ft. to 57 ft. Clay & soft rock
57 ft. to 97 ft. Rock, sand & clay
97 to 106 ft. Clay
106 to 113 ft. Clay & sand
113 to 117 ft. Sand
117 to 124 ft. Sand, clay & red rock
124 to 138 ft. Sand & rock
138 to 144 ft. Rock
144 to 152 ft. Rock, sand & clay
152 to 160 ft. Sand & clay
160 to 229 ft. Sand & rock
229 to 240 ft. Fine sand
240 to 270 ft. Gravel & clay
270 to 285 ft. Clay
285 to 296 ft. Clay and very hard at 294 feet.

TOTAL DEPTH.... 296 FEET....

Blank - Separates Permits

WRJ-5-R
RECEIVED
JAN 05 1987

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PREVIOUSLY
RECEIVED
SEPT. 22, 1986

PERMIT APPLICATION FORM

Application must be complete when applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

RECEIVED
JAN 15 1987
FOR: A PERMIT TO USE GROUND WATER
 A PERMIT TO CONSTRUCT A WELL
 A PERMIT TO INSTALL A PUMP
 REPLACEMENT FOR NO. _____
 OTHER _____
WATER COURT CASE NO. _____

WATER RESOURCES
STATE - ENGINEER
C.D.A.

(1) APPLICANT - mailing address

NAME David & Betty Polhemus
STREET 987 Via Omdulando
CITY Ventura, Calif. 93003
(State) (Zip)
TELEPHONE NO. 1-805-644-7343

(2) LOCATION OF PROPOSED WELL

County El Paso
NE 1/4 of the SE 1/4, Section 9
Twp. 12 S, Rng. 65 W, 6th P.M.
(N.S) (E.W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15
Average annual amount of ground water to be appropriated (acre-feet): 1
Number of acres to be irrigated: 0
Proposed total depth (feet): 1005 to 1885
Aquifer ground water is to be obtained from:
Denver

Owner's well designation _____

GROUND WATER TO BE USED FOR:

HOUSEHOLD USE ONLY - no irrigation (0)
 DOMESTIC (1) INDUSTRIAL (5)
 LIVESTOCK (2) IRRIGATION (6)
 COMMERCIAL (4) MUNICIPAL (8)
 OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Paul Fletcher & Sons, Inc.
Street 605 Hwy # 105
City Palmer Lake, CO 80133 (Zip)
Telephone No. 481-5589 Lic. No. 1069

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 68627
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

- 1) APPROVED PURSUANT TO CRS 37-92-602 (3)(b) (II) AS THE ONLY WELL ON A RESIDENTIAL SITE OF 2.5 ACRES DESCRIBED AS THE N1/2, S1/2, NE1/4, NW1/4, SE1/4, SEC. 9, T.12S, R.65W, 6TH P.M.
- 2) PRODUCTION FROM THIS WELL IS RESTRICTED TO THE DENVER AQUIFER WHICH CORRESPONDS TO THE INTERVAL BETWEEN 1,005 FEET AND 1,885 FEET BELOW GROUND SURFACE. PLAIN (NON-PERFORATED) CASING SHALL BE INSTALLED AND SEALED TO PREVENT PRODUCTION FROM OTHER ZONES.
- 3) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO ORDINARY HOUSEHOLD PURPOSES INSIDE ONE SINGLE FAMILY DWELLING, AND SHALL NOT BE USED OUTSIDE THE HOUSE FOR ANY PURPOSE.
- 4) THE RETURN FLOW FROM THE USE OF THE WELL MUST BE THROUGH AN INDIVIDUAL WASTE WATER DISPOSAL SYSTEM OF THE NON-EVAPORATIVE TYPE WHERE THE WATER IS RETURNED TO THE SAME STREAM SYSTEM IN WHICH THE WELL IS LOCATED.

(NOTE: TO INSURE A MAXIMUM PRODUCTIVE LIFE OF THIS WELL, PERFORATED CASING SHOULD BE SET THROUGH THE ENTIRE PRODUCING INTERVAL OF THE APPROVED ZONE OR AQUIFER INDICATED ABOVE.)

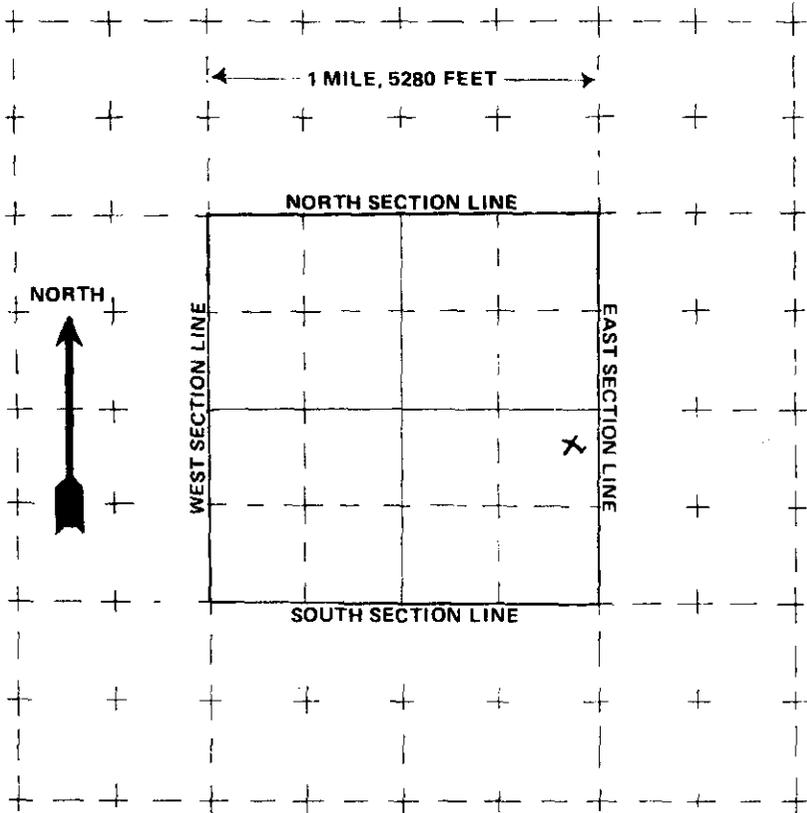
WB. 1/30/87

APPLICATION APPROVED

PERMIT NUMBER 146809
DATE ISSUED FEB 06 1987
EXPIRATION DATE FEB 06 1989

Robert G. Longenbaugh
(STATE ENGINEER)
BY Steve Lautenschlager
I.D. 2-10 COUNTY 21

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

2225 ft. from South sec. line
(north or south)
360 ft. from East sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____
SUBDIVISION 12870 Voller Rd.

Colo. Spgs., Colorado 8090

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: Polhemus

No. of acres 2.5 Parcel A Will this be the only well on this tract? yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing
4 in. from 0 ft. to 1005 ft.
_____ in. from _____ ft. to _____ ft.
Perforated casing
4 in. from 1005 ft. to 1885 ft.
_____ in. from _____ ft. to _____ ft.

1-12-87

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Betty & David Polhemus No. of acres: 2.5 Parcel A

Legal description: 12870 Voller Rd., Colorado Springs, Colorado 80908

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Household use only

will have closed septic system with underground leach field

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
<u>none</u>		

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

David Polhemus
SIGNATURE OF APPLICANT(S)

Betty Polhemus

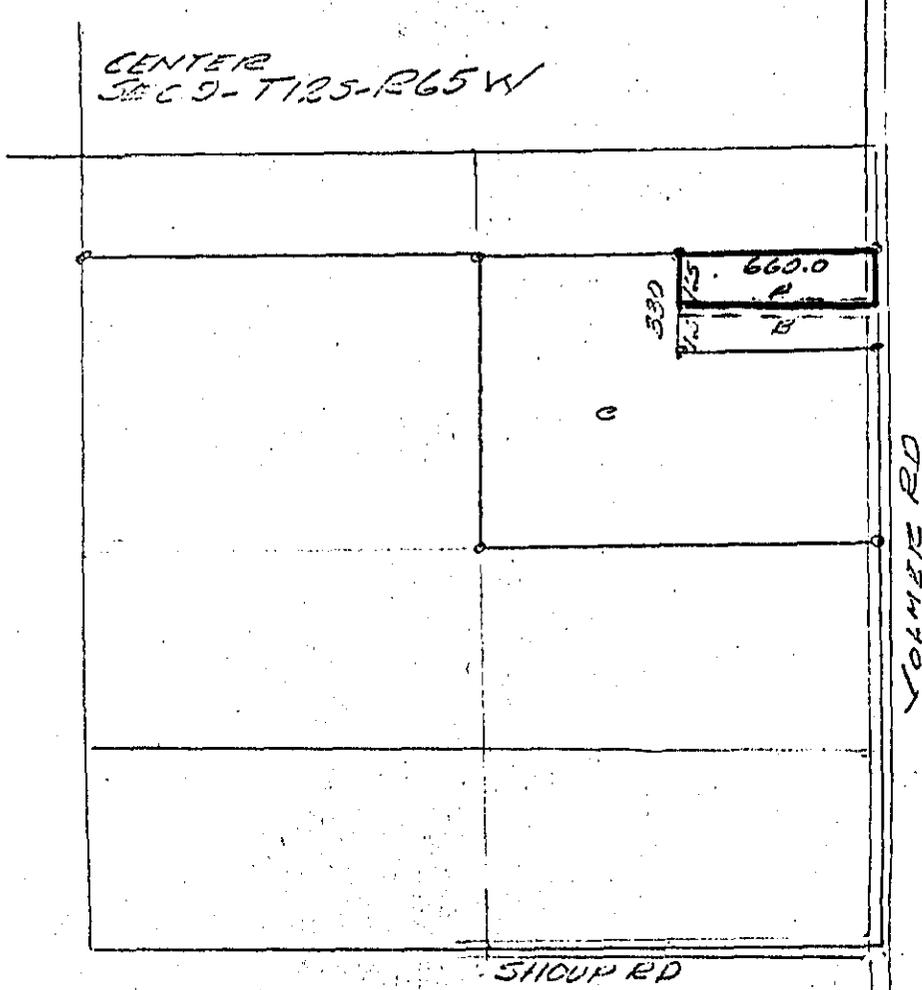
PIP
1-12-87

RECEIVED

SEP 22 1986

WATER RESOURCES
STATE ENGINEER
COLD.

Best Copy Available



① The South $\frac{3}{4}$ th of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 in Township 12 South, Range 65 West of the 6th P.M. excepting therefrom the North 330 ft of the East 660 ft. thereof; said tract containing an area of 25 acres, more or less according to government survey, and excepting from said tract the East 30 ft thereof for public road.

② The North 165 ft of the East 660 ft of the South $\frac{3}{4}$ th of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 in Township 12 South, Range 65 West of the 6th P.M. excepting therefrom the East 30 feet for public road and subject to a right of way for road purposes over and across the South 30 feet of the tract herein conveyed.

No. 184055.

STATE OF COLORADO }
COUNTY OF EL PASO } ss.

THE SECURITY ABSTRACT AND TITLE COMPANY, a corporation bonded and licensed under the laws of the State of Colorado, hereby certifies the foregoing entries, numbered from 1 to 38 inclusive, to be a full and correct abstract of title to the following real estate situate in El Paso County, Colorado, to-wit:

The North 165 feet of the East 660 feet of the South three-fourths of the Northeast quarter of the Southeast quarter of Section 9 in Township 12 South, Range 65 West of the 6th P.M., except right of way for road purposes over the East 30 feet thereof and over the South 30 feet thereof,

as the same appears of record in the office of the County Recorder of said County:

Since the beginning.

Dated this 22nd day of March, A. D. 1962, at 8:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY

By William H. Bates
President

No.

This abstract has been extended per entries numbered.....to.....inclusive, from.....
..... at to, at o'clock M.

THE SECURITY ABSTRACT AND TITLE COMPANY

By.....
President

No.

This abstract has been extended per entries numbered.....to.....inclusive, from.....
..... at to, at o'clock M.

THE SECURITY ABSTRACT AND TITLE COMPANY

By.....
President

No.

This abstract has been extended per entries numbered.....to.....inclusive, from.....
..... at to, at o'clock M.

THE SECURITY ABSTRACT AND TITLE COMPANY

By.....
President

No.

This abstract has been extended per entries numbered.....to.....inclusive, from.....
..... at to, at o'clock M.

THE SECURITY ABSTRACT AND TITLE COMPANY

By.....
President

RICHARD D. LAMM
Governor



JERIS A. DANIELSON
State Engineer

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

November 7, 1986

Mr. & Mrs. David Polhemus

RE: Well Permit Application Receipt No. 68627

Dear Mr. & Mrs. Polhemus :

The referenced application for a permit to construct a well is being returned to advise you of a policy change in the evaluation of applications for exempt-type wells withdrawing ground water from the Denver Basin Aquifers and to give you the opportunity to amend your application. This change was necessitated by the enactment of Senate Bill 5, effective on July 1, 1985, and adoption of the Denver Basin Rules, effective on January 1, 1986.

Preliminary evaluation of the application indicates that water in the Dawson aquifer is tributary to surface streams. These surface streams are over-appropriated. At some or all times of the year, the water supplies for these surface streams are insufficient to satisfy all of the decreed water rights senior to an appropriation by your proposed well. Due to this, it is unlikely your application can be approved as requested. Based on the preliminary evaluation, it appears the following options may be available to you. Please review these options thoroughly before deciding to amend your application.

Option 1. Amend the application to "household use only" (ordinary household purposes inside one single family dwelling with no outside uses). The following checked items on the application must be amended. Please disregard those items that are not checked.

- () In item 3, the "number of acres to be irrigated" must be zero (0).
- () In item 3, the "owner's well designation" must be amended from "domestic" use to "household use only".
- () In item 3, under the subheading "Ground Water To Be Used For:", the "domestic" and/or "livestock" categories must be deleted and "household use only" checked.

() In item 11, the uses as stated must be deleted and "household use only" indicated.

() In item 11, the return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type, where the water is returned to the same stream system in which the well is located. A standard septic tank and leach field will generally qualify. Please indicate the type of disposal system you will utilize in item 11.

Option 2. Amend the application for construction of a well in the Denver aquifer, which is anticipated to exist in the interval between 1,005 feet to 1,885 feet below the land surface. Water from this well could be used for ordinary household purposes inside one single family dwelling and limited outside uses. The following checked items on the application must be amended. Please disregard those items that are not checked.

() In item 3, the "proposed total depth" should be greater than 1,005 feet but not greater than 1,885 feet.

() In item 3, the "aquifer ground water is to be obtained from" would be the Denver aquifer.

() In item 8, plain (nonperforated) casing must be installed down to a minimum depth of 1,005 feet. Perforated casing should not exceed a total depth of 1,885 feet.

() In item 11, the return flow from the use of the well must be through an individual waste water disposal system of the type, where a portion of the water is returned to the same stream system in which the well is located. A standard septic tank and leach field will generally qualify. Please indicate the type of disposal system you will utilize in item 11.

→ Also, please be advised that as of April 30, 1986, it is not necessary to file a landownership affidavit with this type of application. If such an affidavit was submitted, it is being returned with your application. It is not necessary to resubmit the affidavit.

Your application is also being returned for the following reasons:

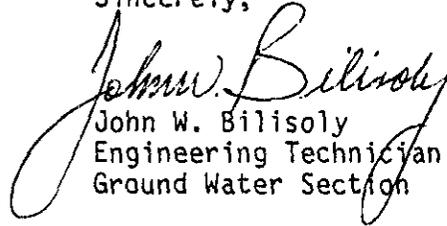
In items 7 & 10, the no. of acres must be indicated.
If your land is Parcel A on the enclosed map you
sent, the acreage would be 2.5 acres. Parcel B is
also 2.5 acres and Parcel C is 25 acres. Please
identify which parcel you are. Your distances from
section lines in item 6 (on application) place you in Parcel A.

REC.# 68627

Page 3

Please make the necessary amendments, corrections, and/or provide the information requested above. If other corrections or additional information is required for evaluation of the application, an additional memorandum may be enclosed. Please review the enclosures carefully before returning the application. All amendments to the application must be initialed and dated to be acceptable. If you have any questions, feel free to contact this office.

Sincerely,


John W. Bilisoly
Engineering Technician
Ground Water Section

JWB/pdt
Enclosures

/Form #0546(M)

GWS-17(12/31/85-REV.) DENVER BASIN EXEMPT WELL DATA SHEET

09

APPLICANT POLHEMUS RECEIPT NO. 68627

LOCATION: NE 1/4, SE 1/4, SEC. 9, TWP. 12S, RNG. 6SW / NO. OF ACRES 3.75
2225 S 360E

DATA & CALCULATIONS DETERMINED BY WB. ON 11/7/86
 (INITIALS) (DATE)

SOURCE OF DATA: DENVER BASIN ATLAS : OTHER (EXPLAIN) _____
 IS PROPERTY WITHIN SERVICE BOUNDARIES OF MUNICIPALITY S.B.5 CONSENT MAPS? NO YES

IF SUBDIVISION IS UNDER AUGMENTATION PLAN, CASE NO. IS _____, DIV. _____

IF SUBDIVISION WAS RECOMMENDED FOR APPROVAL BY THE WATER MANAGEMENT BRANCH, DATE OF LETTER IS _____

INFORMATION ON SUBDIVISION OR TRACT OF LAND/SPECIAL RESTRICTIONS:

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)
TKW	7575			6000	1575			

CALCULATIONS/NOTES *Handwritten notes*

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)
TK1	7775		150	5710	5360		.17	1.4

CALCULATIONS/NOTES *Handwritten notes*

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)

CALCULATIONS/NOTES

GWS-17(12/31/85-REV.) DENVER BASIN EXEMPT WELL DATA SHEET

09

APPLICANT POLHEMUS RECEIPT NO. 68627

LOCATION: NE 1/4, SE 1/4, SEC. 9, TWP. 12S, RNG. 65W / NO. OF ACRES 2.5?

2225 S 360E

DATA & CALCULATIONS DETERMINED BY WB. ON 11/7/86
(INITIALS) (DATE)

SOURCE OF DATA: DENVER BASIN ATLAS : OTHER (EXPLAIN) _____
IS PROPERTY WITHIN SERVICE BOUNDARIES OF MUNICIPALITY S.B.5 CONSENT MAPS? NO YES

IF SUBDIVISION IS UNDER AUGMENTATION PLAN, CASE NO. IS _____, DIV. _____

IF SUBDIVISION WAS RECOMMENDED FOR APPROVAL BY THE WATER MANAGEMENT BRANCH, DATE OF LETTER IS _____

INFORMATION ON SUBDIVISION OR TRACT OF LAND/SPECIAL RESTRICTIONS:

Best Copy Available

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)
Tclw	7595			6600	995			

CALCULATIONS/NOTES *full repl. area*

limit to Tkd

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)
Tkd	7595	6590	1005	5710	1885	350	.17	1.48

CALCULATIONS/NOTES *40% repl. area*

1) 2.5 ac. - All N 1/4, S 1/4, NE 1/4, SE 1/4 - sec. 9, etc.
2) prod.
3) H₂O
4) 1/4
5) 1/4

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)

CALCULATIONS/NOTES

December 17, 1986

Colorado Division of Water Resources
818 Centennial Bldg.
1313 Sherman St.
Denver, Colorado 80203

Dear Sirs:

On September 18, 1986 we mailed a check which has been cashed, and an application for a water well on our property located, N 165 ft of E 660 ft of S 3/4 of NE 1/4 of SE 1/4 of Sec. 9 Tn 12 S Range 65 W of 6th P.M. El Paso County.

It is now 3 months and we have heard nothing, can you tell us when we can expect to receive our permit.

RECEIVED
DEC 19 1986

WATER RESOURCES
ENGINEERS

Thank you,



Betty & David Polhemus
983 Via Ondulando
Ventura, CA 93003

Rec.# 62627

AP 9/22/86

Au 11/7/86

RICHARD D. LAMM
Governor



JERIS A. DANIELSON
State Engineer

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

December 24, 1986

Mr. & Mrs. David Polhemus
983 Via Ondulando
Ventura, CA 93003

RE: Well Permit Application Receipt No. 68627

Dear Mr. & Mrs. Polhemus:

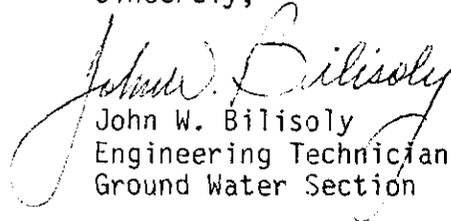
This is in reply to your letter dated December 17, 1986. In your letter you requested to know the status of your above referenced well permit application.

Your application was received in this office on September 22, 1986. A preliminary evaluation of the application was completed on November 7, 1986, and the application subsequently returned to you for additional information, and concerning another problem. Apparently, the returned application was never received by you. Perhaps the address given in item 1 on the application could have some bearing on your not receiving the application.

In an effort to resolve this matter, we are enclosing photocopies of your file and a new application form. An additional filing fee will not be required.

If you have any questions, feel free to contact this office.

Sincerely,


John W. Bilisoly
Engineering Technician
Ground Water Section

JWB:mds
Enclosures

61631

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



1313 Sherman St. - Room 823
Denver, Colorado 80203
(303) 866-3581

TO: WELL PERMIT APPLICANT
RE: APPLICATION RECEIPT NO. 68627

Your application for a permit to construct a well is being returned for the reasons indicated below. The corrections and/or information we are requesting is required for evaluation of the application. The application, including all corrections, must be typed or neatly printed in BLACK INK. Please initial and date in the margin adjoining any changes or additions to the application. Do not alter or change any questions on the application.

In item 3 on the application under the sub-heading, "Ground water to be used for" the use "domestic" is checked. However, in item 11, the use is stated as "Household use only". This is not consistent. Household use only does not allow for any outside uses such as lawns & garden irrigation or the watering of domestic animals. Domestic use implies some limited outside uses. If you wish to apply for domestic uses, then item 11 should be corrected. Also, on the enclosed letter from this office dated 11/7/86, on page 2 at the bottom was requested that you identify which parcel you are applying for a well on. On the enclosed map please identify which parcel you are applying for a well on.

FROM: John Bilisoly

DATE: 1/9/87

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED

SEP 22 1986

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

- A PERMIT TO USE GROUND WATER
- A PERMIT TO CONSTRUCT A WELL
- FOR: A PERMIT TO INSTALL A PUMP

- REPLACEMENT FOR NO. _____
- OTHER _____
- WATER COURT CASE NO. _____

WATER RESOURCES
STATE ENGINEER
COLO.

SI-0

(1) APPLICANT - mailing address

NAME David & Betty Polhemus
 STREET 983 Via Ondulando
 CITY Venta Ventura, CA, 93003
(State) (Zip)
 TELEPHONE NO. _____

(2) LOCATION OF PROPOSED WELL

County El Paso
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 9
 Twp. 12 S, Rng. 65 W, 6th P.M.
(N,S) (E,W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15
 Average annual amount of ground water to be appropriated (acre-feet): 1
 Number of acres to be irrigated: 1
 Proposed total depth (feet): 350'
 Aquifer ground water is to be obtained from:
Dawson

Owner's well designation _____

GROUND WATER TO BE USED FOR:

- HOUSEHOLD USE ONLY - no irrigation (0)
- DOMESTIC (1) INDUSTRIAL (5)
- LIVESTOCK (2) IRRIGATION (6)
- COMMERCIAL (4) MUNICIPAL (8)
- OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name PAUL FLETCHER & SONS, INC.
 Street 605 Hwy. #105
 City Palmer Lake, CO, 80133
(State) (Zip)
 Telephone No. 481-3589 Lic. No. 1068

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 68627
 Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

Ju 11/7/86

*NEW APPLICATION
SUBMITTED ON
JAN. 5, 1987.*

WBS. 1/9/87

APPLICATION APPROVED

PERMIT NUMBER _____

DATE ISSUED _____

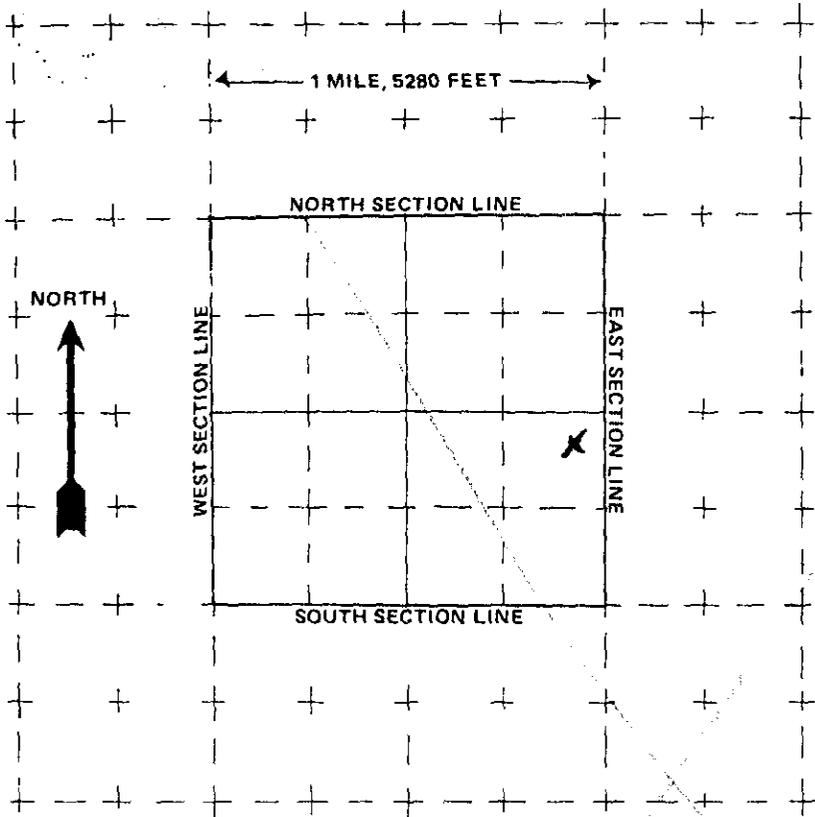
EXPIRATION DATE _____

(STATE ENGINEER)

BY _____

I.D. 2-10 COUNTY 21

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

2225 ft. from South sec. line
(north or south)
360 ft. from East sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____
12870 Vollmer Rd.,
SUBDIVISION Colo. Spgs., CO. 80908

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: Polhemus

No. of acres _____ Will this be the only well on this tract? Yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing
4 in. from 0 ft. to 250 ft.
4 in. from 330 ft. to 350 ft.
Perforated casing
4 in. from 250 ft. to 330 ft.
_____ in. from _____ ft. to _____ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Betty & David Polhemus No. of acres: _____

Legal description: 12870 Vollmer Road, Colorado Springs, CO. 80908

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Family use and watering lawn & small garden.

Will have closed septic system with underground leach field.

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
<u>None.</u>		

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

David Polhemus
SIGNATURE OF APPLICANT(S)

Betty Polhemus

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED

SEP 22 1986

WATER RESOURCES
STATE ENGINEER
COLO.

51-0

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

(X) A PERMIT TO USE GROUND WATER
(X) A PERMIT TO CONSTRUCT A WELL
FOR: (X) A PERMIT TO INSTALL A PUMP

() REPLACEMENT FOR NO. _____
() OTHER _____
WATER COURT CASE NO. _____

(1) APPLICANT - mailing address
NAME David & Betty Polhemus
STREET 983 Via Ondulando
CITY Venta Ventura, CA, 93003
(State) (Zip)
TELEPHONE NO. _____

FOR OFFICE USE ONLY DO NOT WRITE IN THIS COLUMN
Receipt No. 68627
Basin _____ Dist. _____

(2) LOCATION OF PROPOSED WELL
County El Paso
NE 1/4 of the SE 1/4, Section 8
Twp. 12 S, Rng. 65 W, 6th P.M.
(N.S) (E.W)

CONDITIONS OF APPROVAL
This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

THIS APPLICATION WAS
PREPARED FOR AU ON
11/7/86, WAS MISPLACED
IN OUR FILES, AND NEVER
GOT REFERRED TO
APPLICANT. NEW APPLI-
CATION WAS SUBMITTED BY
APPLICANT ON 1/5/87,
AND ISSUED ON
2/6/87, UNDER
PERM NO. 146807,
JES 9/2/87

(3) WATER USE AND WELL DATA
Proposed maximum pumping rate (gpm) 15
Average annual amount of ground water to be appropriated (acre-feet): 1
Number of acres to be irrigated: 1
Proposed total depth (feet): 350'
Aquifer ground water is to be obtained from:
Dawson

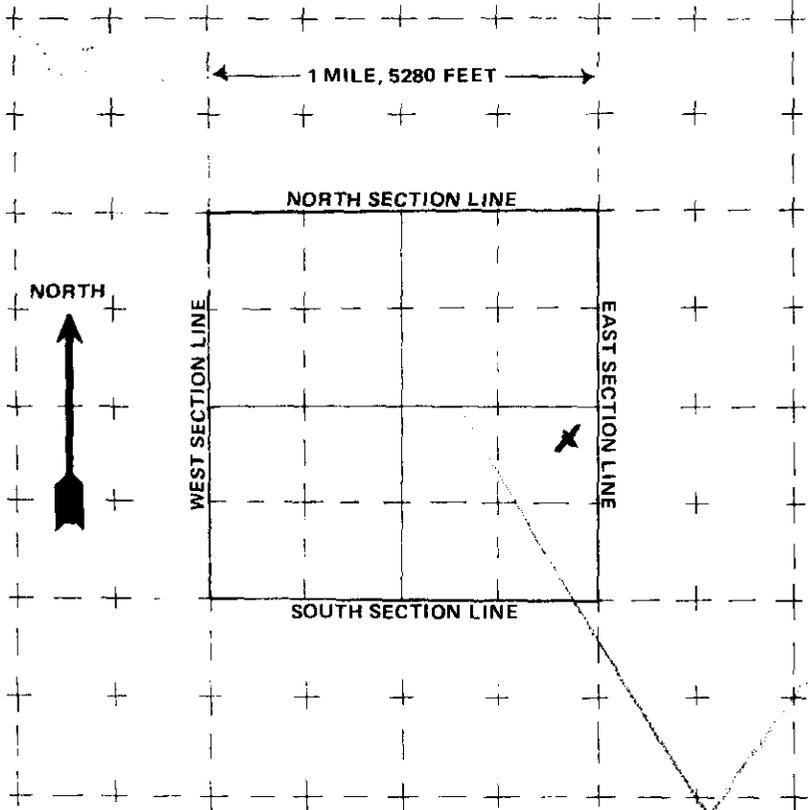
Owner's well designation _____
GROUND WATER TO BE USED FOR:
() HOUSEHOLD USE ONLY no irrigation (0)
(X) DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (6)
() COMMERCIAL (4) () MUNICIPAL (8)
() OTHER (9) _____
DETAIL THE USE ON BACK IN (11)

APPLICATION APPROVED
PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

(STATE ENGINEER)
BY _____
I.D. 2-10 COUNTY 21

(4) DRILLER
Name PAUL FLETCHER & SONS, INC.
Street 605 Hwy. #105
City Palmer Lake, CO, 80133
(State) (Zip)
Telephone No. 481-3589 Lic. No. 1068

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

2225 ft. from South (north or south) sec. line

360 ft. from East (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____
12870 Vollmer Rd.,
SUBDIVISION Colo. Spgs., CO. 80908

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: Polhemus

No. of acres _____ Will this be the only well on this tract? Yes

(8) PROPOSED CASING PROGRAM

Plain Casing:

4 in. from 0 ft. to 250 ft.

4 in. from 330 ft. to 350 ft.

Perforated casing

4 in. from 250 ft. to 330 ft.

_____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): Betty & David Polhemus No. of acres: _____

Legal description: 12870 Vollmer Road, Colorado Springs, CO. 80908

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Family use and watering lawn & small garden.

Will have closed septic system with underground leach field.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

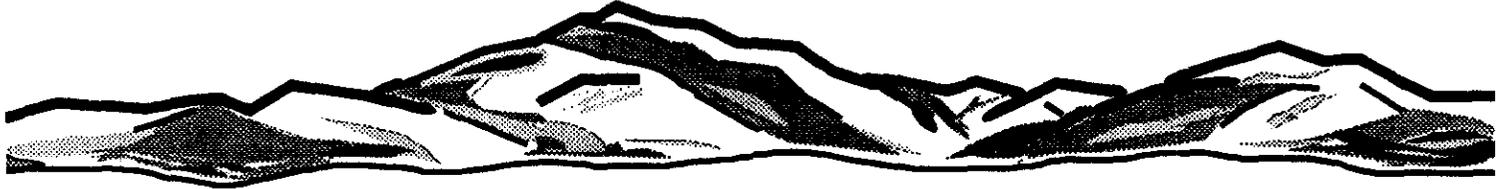
Type or right	Used for (purpose)	Description of land on which used
<u>None.</u>		

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

David Polhemus
SIGNATURE OF APPLICANT(S)

Betty Polhemus

El Paso County Planning Department



RECEIVED

AUG 22 1989

WATER RESOURCES
ENGINEERS & ARCHITECTS
P.C.

August 16, 1989

CERTIFIED MAIL

David and Betty Polhemus
983 Via Ondulando
Ventura, California 93003

Dear Mr. and Mrs. Polhemus:

Please be advised that certain conveyances of property you own in the Northeast Quarter of the Southeast Quarter, Section 9, Township 12 South, Range 65 West of the 6th P.M. along Vollmer Road in El Paso County, Colorado, may constitute illegal subdivision, which is primarily the division of property into parcels less than 35 acres (see the attached Statutory definition, C.R.S. 30-28-101). The definition of Subdivision (with amendment) as well as subdivision requirements have been in effect since 1972. In addition, certain parcels you've conveyed contain less than the minimum 4.75 acres, which is the minimum lot area when located on a section line of the A-4 zoning, established by El Paso County in 1965. As you should be aware, a request for a lot area reduction was made to the Board of Adjustment for one of the approximately 2.5 acre parcels in January 1987 and subsequently denied.

You will find attached a chronology of two "master" parcels (52090-00-038 and 039) which were initially 9.97 and 29.32 acres respectively, and have been replaced by six parcels encompassing the same area. Without further documentation to the contrary, all may be subject to the subdivision definition and, therefore, subject to the County's adopted subdivision requirements.

Enclosed you will also find a copy of the violation section of the Subdivision Statutes. In addition, building permits will not be approved for any of the properties until and unless this matter is resolved. Well permits may also be unavailable pending satisfaction of applicable water resource criteria.

David and Betty Polhemus
August 16, 1989
Page 2

It is advisable to contact this office within thirty (30) days to discuss the matters contained within this letter. Subsequent to 30 days following receipt of this letter, the matter will be turned over to the County Attorney's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick O'Connor", with a horizontal line extending to the right.

Rick O'Connor
Principal Planner

Attachments:

C.R.S. 30-28-101 (10)(a)
C.R.S. 30-20-110 (4)(a)
Chronology of Conveyances

cc: County Attorney's Office
Division of Water Resources ←

(1) "Disposition" means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

(2) "Evidence" means any map, table, chart, contract, or other document or testimony, prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent and shall support the position maintained by the subdivider.

(3) "Municipal planning commission" means any planning commission or other body charged with the functions of such commission of any city, city and county, or incorporated town, whether created pursuant to the authority of state statute or of home rule charter.

(4) "Planning commission" means either a planning commission or, in a county where there is no planning commission, the board of county commissioners.

(5) "Plat" means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder.

(6) "Preliminary plan" means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

(7) "Region" means the area encompassed by a regional planning commission, being the combined land areas subject to the jurisdiction of the participating governmental units.

(8) "Sketch plan" means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning.

(9) "Subdivider" or "developer" means any person, firm, partnership, joint venture, association, or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

(10) (a) "Subdivision" or "subdivided land" means any parcel of land in the state which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of this part 1 with substantially the same density, or which is divided into two or more parcels, separate interests, or interests in common, unless exempted under paragraph (b), (c), or (d) of this subsection (10). As used in this section, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

(b) The terms "subdivision" and "subdivided land", as defined in paragraph (a) of this subsection (10), shall not apply to any division of land which creates parcels of land each of which comprises thirty-five or more acres of land and none of which is intended for use by multiple owners.

(c) Unless the method of disposition is adopted for the purpose of evading this part 1, the terms "subdivision" and "subdivided land", as defined in paragraph (a) of this subsection (10), shall not apply to any division of land:

(I) W parcels, in thirty-

(II) V law of e in this s the prop by the co ceeding to entry pleading such acti

(III) security i

(IV) trust regu ment enti

(V) V

(VI) severed f

(VII) of a hus common,

(VIII) tion (10);

(IX) into one in land a parcel is by the m or more : ered inter

(X) V is contig to this ar to acquire

(XI) (d) Th tions or r and "sub sioners de l.

(XII) (11) " arrangements construction regulation ment" m: collateral security i of collate ments agr transfer c

Best Copy Available

deemed a determination by such district, county, or municipal planning commission that the matter is local in nature.

(f) The regional planning commission, on its own initiative, may initiate a review of any matter involving its regional planning functions, whether such matter has been referred to it or not, if the subject of the review affects two or more local jurisdictions and may make a report of the result of such review to the governing bodies of the jurisdictions involved.

(g) The provisions of this subsection (2) shall not apply to any proposed business or industrial zoning change of less than twenty acres nor to any proposed residential zoning change or subdivision of less than forty acres.

(3) (a) All plans of streets or highways for public use, and all plans, plats, plots, and replots of land laid out in subdivision or building lots and the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the board of county commissioners for review and subsequent approval, conditional approval, or disapproval. It is not lawful to record any such plan or plat in any public office unless the same bears thereon, by endorsement or otherwise, the approval of the board of county commissioners and after review by the appropriate planning commission.

(b) The approval of said plan or plat by such commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the governing body of the municipality or by the board of county commissioners. The owners and purchasers of such lots shall be presumed to have notice of public plans, maps, and reports of such commission affecting such property within its jurisdiction.

(4) (a) Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the board of county commissioners and recorded or filed in the office of the county clerk and recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph (a) shall be credited to the general fund of the county. No person shall be prosecuted, tried, or punished under this paragraph (a) unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the county clerk and recorder of the instrument transferring or selling such subdivided land. The board of county commissioners may provide for the enforcement of subdivision regulations by means of withholding building permits. No plat for subdivided land shall be approved by the board of county commissioners unless at the time of the approval of platting the subdivider provides the certification of the county treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

(b) The board of county commissioners of the county in which the subdivided land is located has the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the board of county commissioners.

(c) The board distributed, the to in section 30-

(d) Any viol evidence of a fi chaser to void th

(e) This sub than thirty-five a

(5) (a) Notic this section to b sion or to the l lies wholly or pa ity but not wit referred to the t commission or, Within fourteen of its city coun commission, ma sioners, which s ning commissio designated by t the receipt of s recommendation

(b) If such r into considerat regional, or cou the plans. The county planning the recommend: receipt of the pr

Source: L. 35 p. 619, § 4; L. § § 2, 3; L. 79,

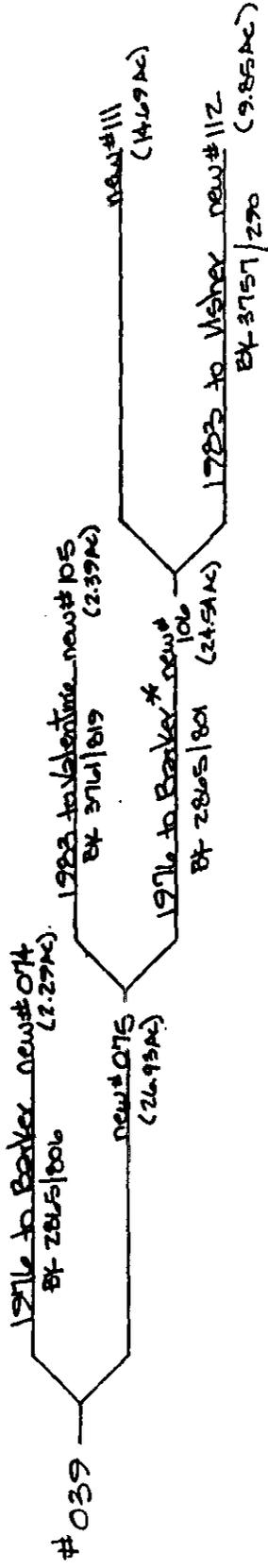
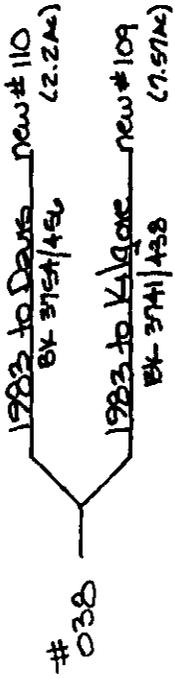
Cross references: cited, see § 38-51-11

Law reviews. For ments in Zoning L Dicta 211 (1962). For Legislation in Color (1974). For article, ' A Viable Alternativ (1974).

The powers of th sioners must be co County Comm'rs v. P.2d 946 (1976).

Express and imp political subdivision sses only those p granted to it and th arc reasonably nu

TAX SCHEDULE
52090-00-

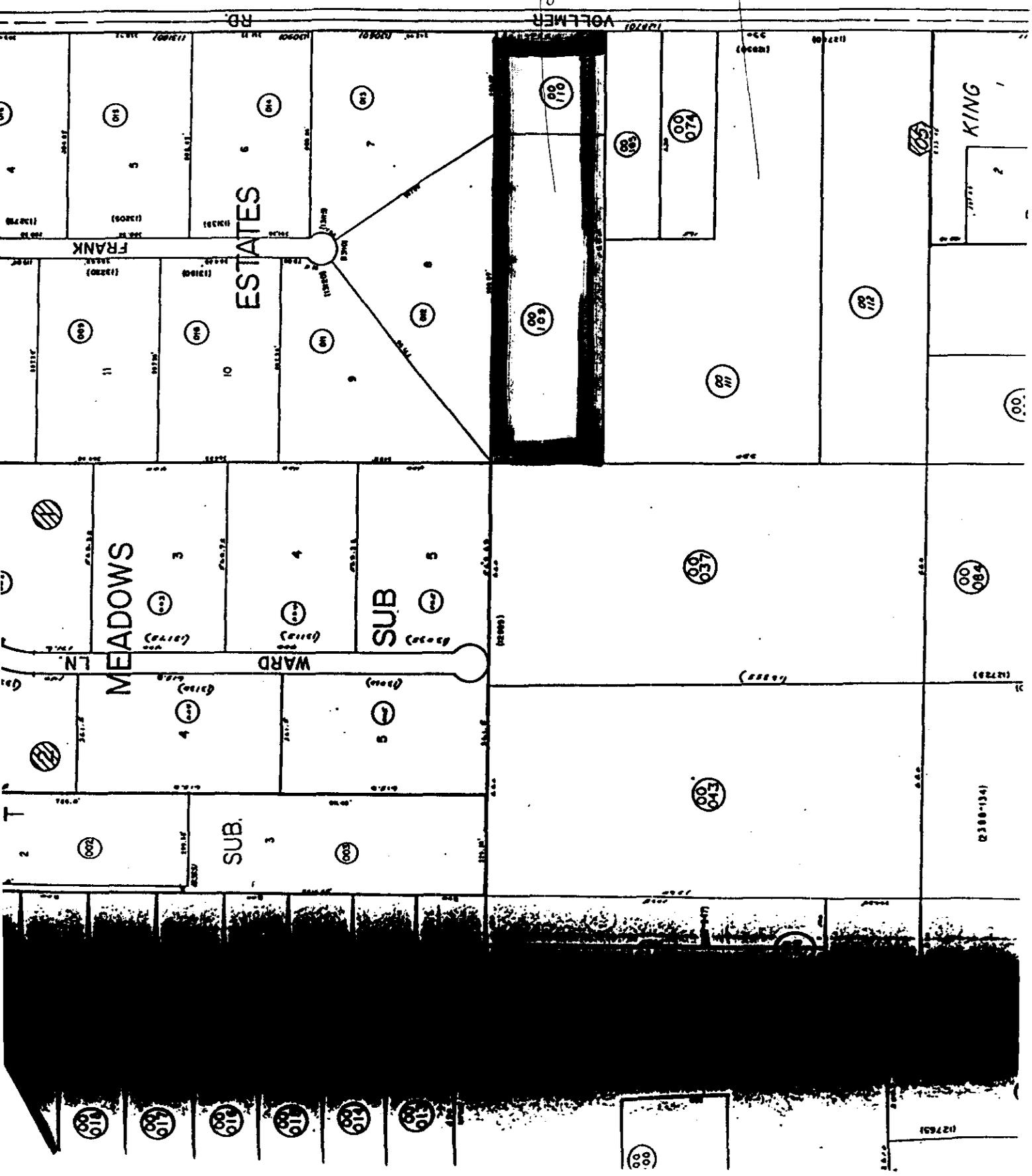


* After conveyance to Barker, father's received property back & split property again into 2 parcels

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ADJOINING 52000

Originally
039



Originally
038

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ESTATES

MEADOWS

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SUB.

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Blank - Separates Permits

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80202

RECEIVED
NOV 16 1978
WATER RESOURCES
STATE ENGINEER
COLA.

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

- A PERMIT TO USE GROUND WATER
- A PERMIT TO CONSTRUCT A WELL
- FOR: A PERMIT TO INSTALL A PUMP

- REPLACEMENT FOR NO. _____
- OTHER _____
- WATER COURT CASE NO. _____

(1) APPLICANT - mailing address

NAME DOUGLAS R. KILGORE
 STREET 4310 OLDRANCH ROAD
 CITY COLORADO SPRINGS, CO 80908
(State) (Zip)
 TELEPHONE NO. 303-599-7825

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 100192
 Basin _____ Dist. _____

(2) LOCATION OF PROPOSED WELL

County EL PASO COUNTY
NE ¼ of the SE ¼, Section 9
 Twp. 12 S, Rng. 65 W, 6th P.M.
(N.S) (E.W)

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15
 Average annual amount of ground water to be appropriated (acre-feet): 1.5
 Number of acres to be irrigated: 1/2
 Proposed total depth (feet): 250
 Aquifer ground water is to be obtained from:
Dawson
 Owner's well designation N/A

APPROVED FOR DOMESTIC USE, INCLUDING THE IRRIGATION OF NOT OVER ONE ACRE OF HOME GARDENS AND LAWNS.

Install plain (non-perforated) casings from ground surface down to a minimum depth of 170 feet and properly sealed to prevent the pumping or appropriation of tributary waters.

THE MUNICIPAL OR COUNTY GOVERNMENT SHALL BE CONSULTED WHEN LOCATING THIS WELL, AND THEIR REGULATIONS SHALL BE COMPLIED WITH.

GROUND WATER TO BE USED FOR:

- HOUSEHOLD USE ONLY - no irrigation (0)
- DOMESTIC (1) INDUSTRIAL (5)
- LIVESTOCK (2) IRRIGATION (6)
- COMMERCIAL (4) MUNICIPAL (8)
- OTHER (9) _____

PERMIT EXPIRATION DATE EXTENDED

TO DEC 08, 1981 10/23/80 RAB

EXPIRED SEE 157915

DATE Dec 8, 1981

DETAIL THE USE ON BACK IN (11)

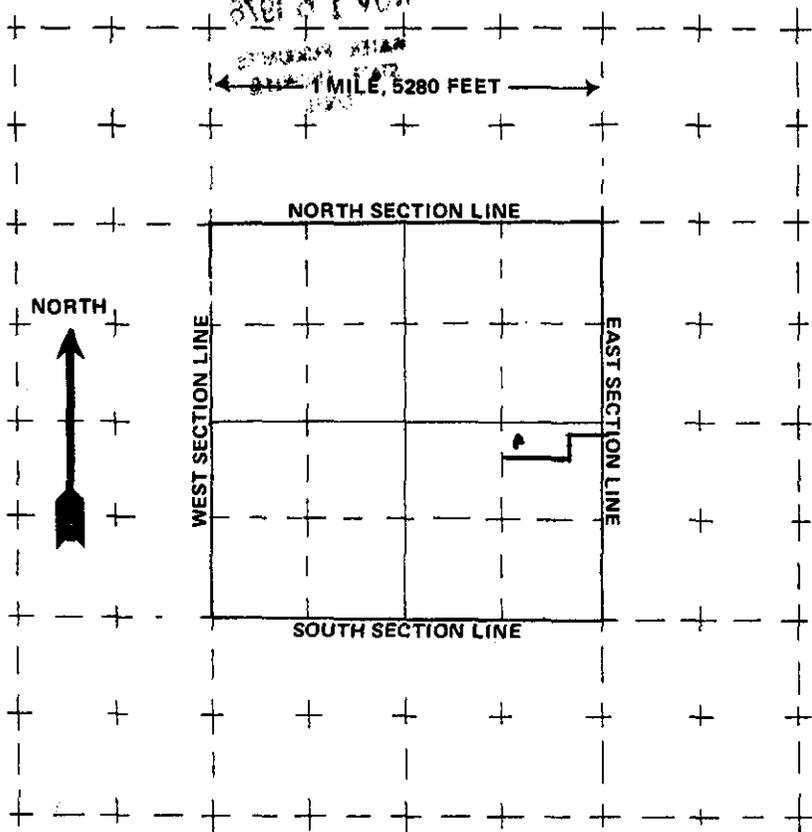
APPLICATION APPROVED

(4) DRILLER

Name Townley Drilling Co
 Street Box 177
 City Canon Co 80808
(State) (Zip)
 Telephone No. 1-347-2593 Lic. No. 17

PERMIT NUMBER 103645
 DATE ISSUED DEC 08 1978
 EXPIRATION DATE DEC 08 1980
Bruce E. DeBine
DEPUTY STATE ENGINEER
 BY Dwayne R. Schwandt
 I.D. 2-14 COUNTY 21

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

2490 ft. from SOUTH sec. line
(north or south)

1150 ft. from EAST sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: DOUGLAS R. KILGORE

No. of acres 7 1/2. Will this be the only well on this tract? YES

(8) **PROPOSED CASING PROGRAM**

Plain Casing

5 in. from 0 ft. to 20 ft.

4 1/2 in. from 20 ft. to 200 ft.

Perforated casing

4 1/2 in. from 200 ft. to 250 ft.

_____ in. from _____ ft. to _____ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Douglas R. Kilgore No. of acres: 7 1/2

Legal description: NE 1/4, SE 1/4, S9, T12S, R65W, 6PM

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Household, Garden, horse or 2
Disposal by Septic System to County Specification.

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
<u>None</u>		

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

Douglas R. Kilgore
SIGNATURE OF APPLICANT(S)

RICHARD D. LAMM
Governor



J. A. DANIELSON
State Engineer

DIVISION OF WATER RESOURCES

Department of Natural Resources
1313 Sherman Street - Room 818
Denver, Colorado 80203
Administration (303) 839-3581
Ground Water (303) 839-3587

October 24, 1980

Douglas R. Kilgore
884 Westmoreland Road
Colorado Springs, CO 80907

RE: Well Permit No. 103645

Dear Mr. Kilgore:

Your request for an extension of time to construct your well has been reviewed.

You are hereby given notice that an extension of one (1) year to December 8, 1981, has been approved by the State Engineer and a copy of the amended permit is enclosed. Please be advised that additional extensions might not be approved and that extensions can only be granted for one (1) year at a time.

Once the permanent pump is installed, a permanent pump installation report and permanent pump test data report must be submitted to our office. In order to properly complete the above well, you must submit a Statement of Beneficial Use. The necessary forms are available from Water Well Contractors, Pump Installation Contractors, or the Colorado Division of Water Resources office.

If you have any questions on this matter, please feel free to contact me.

Very truly yours,

Richard A. Bell
Water Resources Geologist
Ground Water Section

RAB/bt
Enclosure

RECEIVED
OCT 14 1980
WATER RESOURCES
STATE ENGINEER
COLO

October 10, 1980

DOUGLAS R. KILGORE
4310 Old Ranch Road
Colorado Springs, CO 80908

Re: Permit # 103645
Receipt # 100192

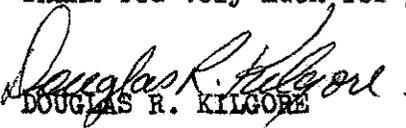
Colorado Division of Water Resources
818 Centennial Bldg
1313 Sherman St
Denver, CO 80203

Gentlemen,

Request a two (2) Year Extension of the above referenced Water Well Permit.

Justification: Interest Rates and other building cost has prevented me from obtaining sufficient money to build on this tract of land. I anticipate that within the next two years to build my home on this land.

Thank You very much for your consideration of this request.


DOUGLAS R. KILGORE

RECEIVED
MAY 1 1964
U.S. AIR FORCE
OFFICE OF THE
SECRETARY
WASHINGTON, D.C.

TO: SAC, [illegible]
FROM: [illegible]
SUBJECT: [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]



DIVISION OF WATER RESOURCES

DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN STREET, ROOM 818
DENVER, COLORADO 80203

Puwayne Schroeder
CHUCK ROBERTS, P.E.
WATER RESOURCE ENGINEER
GROUND WATER OPERATIONS

839-
802-3587



EL PASO COUNTY
LAND USE DEPARTMENT

27 EAST VERMIJO
COLORADO SPRINGS, COLORADO 80903

November 17, 1978

TO WHOM IT MAY CONCERN:

The tract of land presently owned by Douglas R. & Margie B. Kilgore described as "The west 990 feet and the north 30 feet of the east 330 feet of the north half of the north half of the northeast quarter of the southeast quarter of Section 9 in Township 12 South, Range 65 West of the 6th P.M., except any portion along the east side of subject property lying within the public roadway", is located within El Paso County, State of Colorado.

Research by the Land Use Department reveals no violation of the subdivision regulations adopted by El Paso County.

Respectfully,


Gordon W. Dustin
Senior Planner

GWD/bg

JUL 10 1978

BOOK 3059 PAGE 91

Filed for record the _____ day of _____, A. D. 19____ at 3:30 o'clock P. M.

No. 451710

HARRIET BEALS RECORDER

Elizabeth A. Smith Dep

State of Colorado
County of El Paso

Warranty Deed

Know all Men by these Presents, That Marty Alva Barker

of the County of El Paso and State of Colorado, for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and convey to David C. Polhemus and Fetty J. Polhemus

_____ *in Joint Tenancy*,
of the County of El Paso and State of Colorado
whose mailing address is 12760 Vollmer Road Colorado Springs,
the following Real Property situate in the County of El Paso and State of
Colorado, (Assessor's Schedule Number _____) to-wit:

The West 990 feet and the North 30 feet of the East 330 feet of the North half of the North half of the Northeast Quarter of the Southeast Quarter of Section 9 in Township 12 South, Range 65 West of the 6th P.M., except any portion along the East side of Subject property lying within the public roadway.

STATE DOCUMENTARY

JUL 10 1978

FFF \$ 1.00

15000

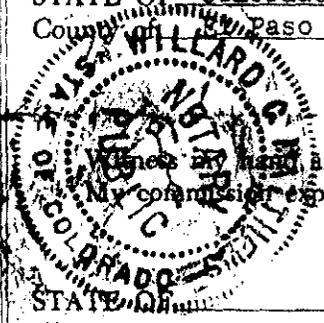
with all its appurtenances and warrant(s) the title to the same, subject to general taxes, reservations, restrictions, easements and Deed of Trust of record.

Signed and delivered this 20th day of April, 19 72.

Marty Alva Barker

STATE OF Colorado } ss. The foregoing instrument was acknowledged before me
County of El Paso }
this 20th day of April, 19 72,
by Marty Alva Barker

Witness my hand and official seal.
My commission expires October 19, 1974



Willard G. Miller
NOTARY PUBLIC

STATE OF _____ } ss. The foregoing instrument was acknowledged before me
County of _____ }
this _____ day of _____, 19 _____,
by _____ as _____ President
and _____ as _____ Secretary of
_____ a corporation.

Witness my hand and official seal.
My commission expires _____

NOTARY PUBLIC

DEMPUBCO - PL (H) 152
CTG 61R472

*If joint tenancy is not desired,
strike the phrase between the asterisks.



Furnished by
COLORADO TITLE GUARANTY CO.
EL PASO ABSTRACT CO.
121 East Vermijo Ave.

Warranty Deed

Know all Men by these Presents, That _____
David C. Polhemus and Betty J. Polhemus
of the County of El Paso and State of Colorado, for the
consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and
convey to Douglas R. Kilgore and Marjie B. Kilgore
_____ *in Joint Tenancy*,
of the County of El Paso and State of Colorado, the
following Real Property situate in the County of El Paso and State of
Colorado, to-wit:

The West 990 feet and the North 30 feet of the East 330 feet of the North half
of the North half of the Northeast quarter of the Southeast quarter of Section 9
in Township 12 South, Range 65 West of the 6th P.M., except any portion along
the East side of Subject property lying within the public roadway.

with all its appurtenances and warrant(s) the title to the same, subject to general taxes,
reservations, restrictions, and easements of record.

Signed and delivered this Twenty-first day of September, 1972.

David C. Polhemus
Betty J. Polhemus

STATE OF Colorado }
County of El Paso } ss. The foregoing instrument was acknowledged before me
this Twenty-first day of September, 1972,
by David C. Polhemus and Betty J. Polhemus

Witness my hand and official seal.
My commission expires October 19, 1974.

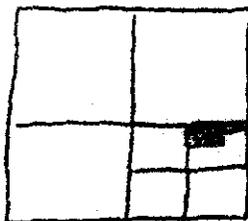
Willard C. Mead
NOTARY PUBLIC

STATE OF _____ }
County of _____ } ss. The foregoing instrument was acknowledged before me
this _____ day of _____, 19____,
by _____ as _____ President
and _____ as _____ Secretary of
_____ a corporation.

Witness my hand and official seal.
My commission expires _____

NOTARY PUBLIC





SPECIFIC PERFORMANCE CONTRACT (RESIDENTIAL)

AUGUST 28, 1978

RECEIVED FROM DOUGLAS R. & MARGIE B. KILGORE

Purchaser (as joint tenants), the sum of \$ 100.00 in the form of CHECK to be held by BETTY DOCHENIUS, broker, in his escrow or trustee account, as earnest money and part payment for the following described real estate situate in the County of EL PASO, Colorado, to-wit:

330FT BY 990FT DWS 60' BY 330FT ALONG THE NORTH EDGE OF THE EAST 1/4 AND CONSISTS OF THE WEST 3/4 OF THE NORTH 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 9 - THE AMOUNT OF 7 1/2 ACRES PLUS ROAD WAY BACK BEHIND THE PROPERTY LOCATED AT 12970 ULLMER -

with all improvements thereon and all fixtures of a permanent nature currently on the premises except as herein-after provided, in their present condition, ordinary wear and tear excepted, known as No. _____

which property purchaser agrees to buy upon the following terms and conditions, for the purchase price of \$ 11000.00, payable as follows: \$ 100.00 hereby received for, \$ 1900.00 CASH AT CLOSING

BALANCE TO BE PAID AT 80.00 PER MONTH INCLUDING INTEREST AT 7% PERCENT PER ANNUM ON THE UNPAID BALANCE 1ST PAYMENT TO BE 30 DAYS AFTER CLOSING -

QUIT CLAIM DEED AND WARRANTY DEED TO BE HELD IN ESCROW -

TITLE INSURANCE TO BE GIVEN AT THE SAME TIME AS WARRANTY DEED -

1. If a note and trust deed or mortgage is to be assumed, the purchaser agrees to pay a loan transfer fee not to exceed \$ N/A and it is a condition of this contract that the purchaser may assume such encumbrance without change in its terms or conditions except N/A

2. Price to include any of the following items currently on the premises: Lighting, heating and plumbing fixtures; all outdoor plants, window and porch shades, venetian blinds, storm windows, storm doors, screens, curtain rods, drapery rods, central air conditioning, ventilating fixtures, attached TV antennas, attached mirrors, linoleum, awnings, water softener (if owned by seller), fireplace screen and grate, built-in kitchen appliances, wall to wall carpeting and N/A

all in their present condition, free and clear of all taxes, liens and encumbrances; except as provided in paragraph 4; provided, however, that the following fixtures of a permanent nature are excluded from this sale: N/A

3. An abstract of title to said property, certified to date, or a current commitment for title insurance policy in an amount equal to the purchase price, at seller's option and expense, shall be furnished the purchaser on or before _____, 19____. If seller elects to furnish said title insurance commitment, seller will deliver the title insurance policy to purchaser after closing and pay the premium thereon.

4. Title shall be merchantable in the seller. Subject to payment or tender as above provided and compliance with the other terms and conditions hereunder by purchaser, the seller shall execute and deliver a good and sufficient _____ warranty deed to said purchaser on _____, 19____, or, by mutual agreement, at an earlier date, conveying said property free and clear of all taxes, except the general taxes for _____, payable January 1, 19____, and except _____

_____ free and clear of all liens for special improvements now installed, whether assessed or not; free and clear of all liens and encumbrances except easements for telephone, electricity, water and sanitary sewer, and except _____

and subject to building and zoning regulations, and restrictive covenants of record. Any encumbrance required to be paid may be paid from the proceeds of this transaction.

EXHIBIT A

5. General taxes for 19____, (based on 19____ levy and 19____ assessment), prepaid rents, water rents, sewer rents, FHA mortgage insurance premiums and interest on encumbrances, if any, and

SELLER WILL PAY TAXES UNTIL PURCHASER RETURNS FROM OVERSEAS - APR - 1976
shall be apportioned to date of delivery of deed.

6. The hour and place of closing shall be as designated by *MUTUAL AGREEMENT ON OR BEFORE OCT 20, 1972*

7. Possession of premises shall be delivered to purchaser on *AT CLOSING AND WILL BE HELD FOR UNTIL PURCHASER RETURNS FROM OVERSEAS* - subject to the following leases or tenancies:

If the seller fails to deliver possession on the date herein specified, the seller shall be subject to eviction and shall be liable for a daily rental of \$ *SEE ABOVE* until possession is delivered.

8. In the event the premises shall be damaged by fire or other casualty prior to time of closing, in an amount of not more than ten per cent of the total purchase price, the seller shall be obligated to repair the same before the date herein provided for delivery of deed. In the event such damage cannot be repaired within said time or if such damage shall exceed such sum, this contract may be cancelled at option of purchaser. Should the purchaser elect to carry out this agreement despite such damage, such purchaser shall be entitled to all the credit for the insurance proceeds resulting from such damage, not exceeding, however, the total purchase price. Should any fixtures or services fail between the date of this agreement and the date of possession or the date of delivery of deed, whichever shall be earlier, then the seller shall be responsible for the repair or replacement of such fixtures or services with a unit of similar size, age and quality, or an equivalent credit.

9. Time is of the essence hereof, and if any payment or any other condition hereof is not made, tendered, or performed by either the seller or purchaser as herein provided, then this contract, at the option of the party who is not in default, may be terminated by such party, in which case the non-defaulting party may recover such damages as may be proper. In the event of such default by the seller, and the purchaser elects to treat the contract as terminated, then all payments made hereon shall be returned to the purchaser. In the event of such default by the purchaser, and the seller elects to treat the contract as terminated, then all payments made hereunder shall be forfeited and retained on behalf of the seller. In the event, however, the non-defaulting party elects to treat this contract as being in full force and effect, then nothing herein shall be construed to prevent its specific performance.

10. In the event the seller fails to approve this instrument in writing on or before _____ 19____, or if title is not merchantable and written notice of defects is given to the seller or agent within the time herein provided for delivery of deed and shall not be rendered merchantable within 30 days after such written notice, then this contract, at purchaser's option, shall be void and of no effect and each party hereto shall be released from all obligations hereunder and the payments made hereunder shall be returned forthwith to purchaser upon return of the abstract, if any, to seller; provided, however, that in lieu of correcting such defects, seller may, within said 30 days, obtain a commitment for Owner's Title Insurance Policy in the amount of the purchase price showing the title to be free from such defects and seller shall pay full premium for such Title Insurance Policy.

11. Additional Provisions: *IF PURCHASER SELLS PROPERTY - SELLER WILL PAID IN FULL AND AGREED COVENANTS WILL BE RECORDED*

12. Upon approval hereof by the seller, this agreement shall become a contract between seller and purchaser and shall inure to the benefit of the heirs, successors and assigns of said parties.

James R. Kilgore 22 Aug 72 Agent _____
Purchaser Date
Margie B. Kilgore 8/22/72 By: _____
Purchaser Date

Seller approves the above contract this _____ day of _____, 19____ and agrees to pay a commission of _____% of the gross sales price for services in this transaction, and agrees that, in the event of forfeiture of payments made by purchaser, such payments shall be divided between the seller's broker and the seller, one half thereof to said broker, but not to exceed the commission, and the balance to the seller.

[Signature] Seller *Betty Polhemus* Seller

Purchaser's Address _____
Seller's Address _____

TAX Schedule #

Reception No. _____ RECORDER

Articles of Agreement, Made this _____ day of _____ September _____

A. D. 19__72__, between _____ David C. Polhemus and Betty J. Polhemus _____
of the County of _____ El Paso _____ and State of Colorado, of the first part, and
_____ Douglas R. Kilgore and Margie B. Kilgore _____ of the second part.

Witnesseth, That if the parties of the second part shall first make the payments and perform the covenants hereinafter mentioned on their _____ part to be made and performed, the said parties of the first part hereby covenants and agrees to convey to the said parties of the second

part, in fee simple, by good and sufficient Warranty Deed to the following lot _____, piece _____ or parcel _____

The West 990 feet and the North 60 feet of the East 330 feet of ground, viz: the North half of the North half of the Northeast quarter of the Southeast quarter of Section 9 in Township 12 South, Range 65 West of the 6th P.M., except any portion along the East side of Subject property lying within the public roadway.

Handwritten initials: "J.P.P." and "P.P.P."

It is mutually agreed that purchaser will allow seller to pasture horses until April 1976 in return for payment of taxes. The note secured by this agreement is not assumable and entire balance due will be paid at any time the property is sold by the signers of this agreement. It is also agreed that at any time the payment is 30 days in arrears the sellers may ask the escrow agent to return the Warranty Deed, Quit Claim Deed and all other papers concerning this Agreement. The sellers then may record the Quit Claim Deed at their option.

said premises to be free and clear of all liens, incumbrances and taxes except _____ as agreed above.

And the said parties of the second part hereby covenants and agrees to pay to the said parties of the first part, the sum of Fourteen Thousand Dollars in the manner following: \$2000.00 hereby received for, and balance of Twelve Thousand Dollars to be paid in monthly installments of \$80.00, or more, including 7 1/2% interest per annum, payable the First day of November, 1972, and like payments of \$80.00, or more, including interest, payable the First day of each and every month thereafter until the entire amount is fully paid

with interest upon the back payments at the rate of _____ 10 _____ per cent. per annum from date until paid, and to pay all taxes, assessments or impositions that may be legally levied or imposed upon said lot _____; and in case of failure of the said parties of the second part to make either of the payments or perform any of the covenants on their _____ part, this contract shall be forfeited and determined at the election of said party of the first part, upon his giving to the said parties of the second part _____ days' notice of his intention so to do; and the said parties of the second part shall forfeit all payments made previously on this contract, and such payments shall be retained by the said parties of the first part in full satisfaction and liquidation of all damages by _____ them _____ sustained; and he shall have right to re-enter and take possession of said premises.

It Is Mutually Agreed, That the time of payment shall be an essential part of this contract, and if at any time the same shall be forfeited and determined in the manner above provided, the said parties of the second part does hereby covenant and agree to surrender and deliver up said above described premises peaceably, to the said part _____ of the first part, immediately upon the termination of this contract as aforesaid, and if _____ they _____ shall remain in possession of said premises after such termination _____ they _____ shall be deemed guilty of a forcible detainer of said premises under the statute, and shall be subject to all the conditions and provisions above stated and to eviction and removal, forcible or otherwise, with or without process of law.

And It is further mutually agreed and understood, that all the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

In Witness Whereof, The parties to these presents have hereunto set their hands and seals the day and year first above written.

Handwritten signatures and seals of David C. Polhemus, Betty J. Polhemus, Douglas R. Kilgore, and Margie B. Kilgore.

EXHIBIT B

Promissory Note

(MONTHLY PAYMENTS)

Colorado Springs, Colorado

\$ 12,000.00

....., 19.....,

For value received the undersigned promise(s) to pay to the order of.....

.....David C. Polhemus or Betty Polhemus.....

at Colorado Springs, Colorado, or such other place as the holder hereof may designate, the sum of

.....Twelve Thousand and no/100..... DOLLARS

together with interest at the rate of 7½ percent per annum from date until paid, principal and interest payable as follows:

\$ 80.00....., or more, including interest, payable the..... day of....., 19 72....., and like payments of \$ 80.00....., or more, including..... interest, payable the..... day of each and every month

thereafter until the entire amount shall be fully paid and satisfied. **It is understood this note is not assumable and entire balance due will be paid at any time the property is sold by the signers of this note.**

If default be made in the payment of any installment under this note and if such default is not made good within 10 days the entire principal sum and accrued interest shall at once become due and payable without notice at the option of the holder of this note. Failure to exercise this option shall not constitute a waiver of the right to exercise the same in the event of any subsequent default. Presentment for payment, notice of non-payment, protest and notice of protest are each hereby expressly and severally waived by the makers and all endorsers hereof and in case the payment shall not be made at maturity it is agreed by all parties hereto that all costs of collection and a reasonable attorney's fee may be collected as a part hereof.

.....
.....
.....
.....

Contract to purchase

This Note is secured by a ~~Deed of Trust~~ executed of even date herewith.

EXHIBIT C
PAGE 1 OF 1 PAGES



Furnished by
COLORADO TITLE GUARANTY CO.
EL PASO ABSTRACT CO.
121 East Vermijo Ave.
Colorado Springs, Colorado

RECEIVED

MAY - 2 1984

PERMIT APPLICATION FORM

WATER RESOURCES
STATE - ENGINEER
CDB

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

- A PERMIT TO USE GROUND WATER
- A PERMIT TO CONSTRUCT A WELL
- FOR: A PERMIT TO INSTALL A PUMP

REPLACEMENT FOR NO. _____
 OTHER reapp. for exp. per # 103645
 WATER COURT CASE NO. _____

(1) **APPLICANT** - mailing address

NAME DOUGLAS R. KILGORE
 STREET 4310 OLD RANCH ROAD
 CITY COLORADO SPRINGS, CO 80908
(State) (Zip)
 TELEPHONE NO. 303-495-3465

(2) **LOCATION OF PROPOSED WELL**

County EL PASO County
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 9
 Twp. 12 S, Rng. 65 W, 6th P.M.
(N.S) (E.W)

(3) **WATER USE AND WELL DATA**

Proposed maximum pumping rate (gpm) 15
 Average annual amount of ground water to be appropriated (acre-feet): 1.5
 Number of acres to be irrigated: 1/2
 Proposed total depth (feet): 250
 Aquifer ground water is to be obtained from:
DAWSON
 Owner's well designation N/A

GROUND WATER TO BE USED FOR:

- HOUSEHOLD USE ONLY - no irrigation (0)
- DOMESTIC (1) INDUSTRIAL (5)
- LIVESTOCK (2) IRRIGATION (6)
- COMMERCIAL (4) MUNICIPAL (8)
- OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) **DRILLER**

Name LICENSED
 Street _____
 City _____
(State) (Zip)
 Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 45142
 Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

- 1) Install plain (non-perforated) casings from ground surface down to a minimum depth of 200 feet and properly sealed to prevent the pumping or appropriation of tributary waters.
- 2) DEPTH OF THIS WELL SHALL NOT EXCEED 1060 FEET WHICH CORRESPONDS TO THE BASE OF THE DAWSON AQUIFER.
- 3) THE USE OF GROUNDWATER FROM THIS WELL IS LIMITED TO FIRE PROTECTION, ORDINARY HOUSEHOLD PURPOSES INSIDE A SINGLE FAMILY DWELLING, THE IRRIGATION OF NOT MORE THAN ONE ACRE OF HOME GARDENS AND LAWNS, AND THE WATERING OF DOMESTIC ANIMALS.

EXPIRED SEE 157915 JWS 5/17/84

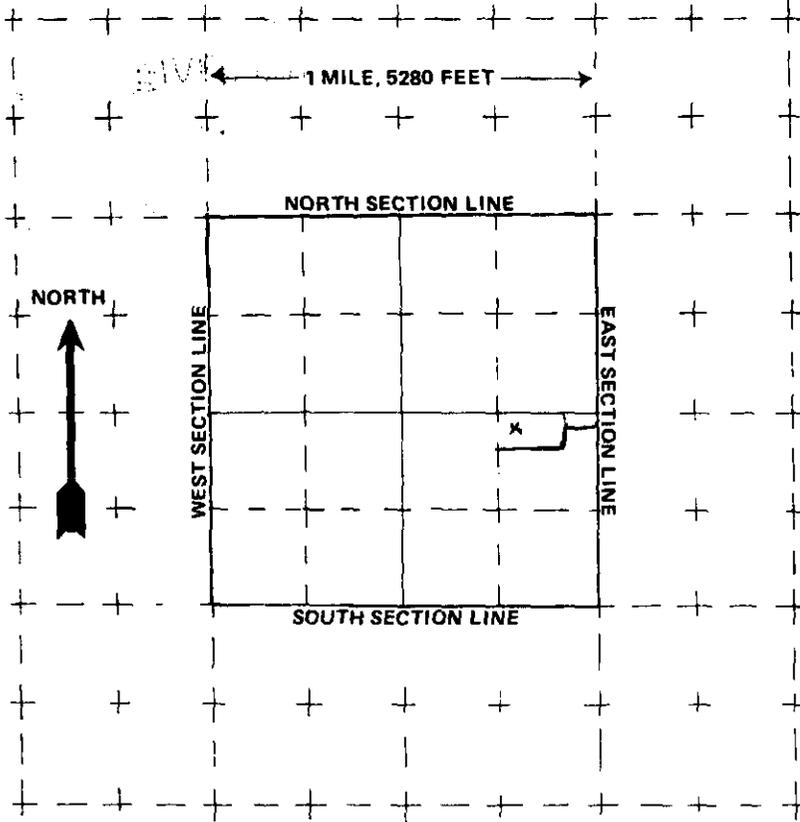
DATE 5-29-86 JWS 12/31/86

NOTE! TO INSURE A MAXIMUM PRODUCTIVE LIFE OF THIS WELL, PERFORATED CASING SHOULD BE SET THROUGH THE ENTIRE PRODUCING INTERVAL OF THE AQUIFER, TO THE DEPTH INDICATED ABOVE).

APPLICATION APPROVED

PERMIT NUMBER 135594
 DATE ISSUED MAY 29 1984
 EXPIRATION DATE MAY 29 1986
 BY Robert G. Longenbaugh
Assistant STATE ENGINEER
Steve Lautenschlager
 I.D. 2-10 COUNTY 27

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

2490 ft. from SOUTH (north or south) sec. line

1150 ft. from EAST (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE, LOCATED Owner: DOUGLAS R. KILGORE

No. of acres 7 1/2. Will this be

the only well on this tract? YES

(8) PROPOSED CASING PROGRAM

Plain Casing

5 in. from 0 ft. to 20 ft.

4 1/2 in. from 20 ft. to 200 ft.
Perforated casing

4 1/2 in. from 200 ft. to 250 ft.

_____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): DOUGLAS R. KILGORE No. of acres: 7 1/2

Legal description: NE 1/4, SE 1/4, S9, T12S, R65W, 6 PM

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Household, Garden hose or 2 -
Disposal by septic system to county satisfactions

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
<u>NONE</u>		

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

Douglas R. Kilgore
SIGNATURE OF APPLICANT(S)

GWS-1-July 1, 1983

COLORADO DIVISION OF WATER RESOURCES
818 CENTENNIAL BUILDING
1313 Sherman Street
Denver, Colorado 80203

RECEIVED

MAY - 21984

WATER RESOURCES
STATE ENGINEER
COLO.

LANDOWNERSHIP AFFIDAVIT

STATE OF COLORADO)
COUNTY OF EL PASO) SS

The affiant(s) Douglas R. Kellogg whose
mailing address is H310 Old Ranch Rd, Colorado Springs
(Street) (City)

Colorado, 80908, being duly sworn upon oath deposes
(State) (Zip Code)

and says that he (~~she~~) (~~they~~) is (~~are~~) the owner(~~s~~) of the following described
property consisting of 7 1/2 acres and situate in the County of
EL PASO, State of Colorado.

The north half of the north half of the northeast quarter of the southeast
quarter of section 9 in township 12 south, range 65 west of the 6th P.M.,
except the east 30 feet thereof for road purposes, as reserved in deed
in book 565 at page 247 under reception no. 299940, and except
any portion along the north side of subject property lying within the
public roadway.
more specifically described as: The west 90 feet and the north 30 feet of the east
330 feet of the above described tract

and, that he (~~she~~) (~~they~~) or their predecessors have not given up their right
to appropriate the unappropriated nontributary ground water, from the
Dawson Aquifer underlying the above-described land.

Further, the affiant(s) depose(s) and say(s) that he (~~she~~) (~~they~~) has
(~~have~~) read the statements made herein; knows the contents hereof; and that
the same are true of his (~~her~~) (~~their~~) own knowledge.

Douglas R. Kellogg

Subscribed and sworn to before me this 29th day of April,
1984. My Commission expires April 18, 1985.

Samela Cramer
Notary Public

(see instructions on other side)

JUL 10 1978

BOOK 3059 PAGE 91

Filed for record the _____ day of _____, A. D. 19____, at 3:50 o'clock P.M.

No. 451710

HARRIET BEALS RECORDER

Elizabeth A. Smith Dep

State of Colorado
County of El Paso

Warranty Deed

Know all Men by these Presents, That _____
 _____ Marty Alva Barker _____
 of the County of _____ El Paso _____ and State of _____ Colorado _____, for the
 consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and
 convey to _____ David C. Polhemus and Jetty J. Polhemus _____
 _____ *in Joint Tenancy* _____
 of the County of _____ El Paso _____ and State of _____ Colorado _____
 whose mailing address is _____ 12760 Vollmer Road Colorado Springs, _____
 the following Real Property situate in the County of _____ El Paso _____ and State of
 Colorado, (Assessor's Schedule Number _____) to-wit:

The West 990 feet and the North 30 feet of the East 330 feet of the North half
 of the North half of the Northeast Quarter of the Southeast Quarter of Section 9
 in Township 12 South, Range 65 West of the 6th P.M., except any portion along
 the East side of Subject property lying within the public roadway.

*Copy of document
 attached to exp. file.
 # 103645 SWB 5/15/84*

STATE DOCUMENTARY

JUL 10 1978

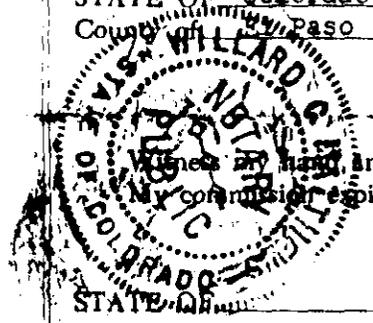
FFF 1.00

with all its appurtenances and warrant(s) the title to the same, subject to general taxes,
 reservations, restrictions, easements and Deed of Trust of record.

Signed and delivered this _____ 20th _____ day of _____ April _____, 19 72.

Marty Alva Barker

STATE OF Colorado }
 County of _____ El Paso } ss. The foregoing instrument was acknowledged before me
 this _____ 20th _____ day of _____ April _____, 19 72,
 by _____ Marty Alva Barker _____



Witness my hand and official seal.
 My commission expires _____ October 19, 1974 _____

Willard C. ...
 NOTARY PUBLIC

STATE OF Colorado }
 County of _____ } ss. The foregoing instrument was acknowledged before me
 this _____ day of _____, 19 _____,
 by _____ as _____ President
 and _____ as _____ Secretary of
 _____ a corporation.

Witness my hand and official seal.
 My commission expires _____

NOTARY PUBLIC



APRIL 30, 1984

RECEIVED

MAY - 2 1984

WATER RESOURCES
STATE ENGINEER
COLO.

Douglas R. Kilgore
4310 Old Ranch Road
Colorado Springs, CO 80908

Colorado Division of Water Resources
878 Centennial Building
1313 Sherman Street
Denver, CO 80203

Dear Sir,

Enclosed is my current application for a well permit.

I have enclosed a copy of a permit granted for me on the parcel of land described on the application, for your convenience.

Thank you for your early consideration.

Douglas R. Kilgore.

be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

(X) A PERMIT TO USE GROUND WATER
(H) A PERMIT TO CONSTRUCT A WELL
FOR: (X) A PERMIT TO INSTALL A PUMP

11-28-86 2:31 PM
032472 25.00
WATRES F0012 25.00

() REPLACEMENT FOR NO. _____
(X) OTHER REAPP FOR EXP PERMIT # 135597

WATER COURT CASE NO. _____
DPS 0.00
CHEQUE 25.00

(1) APPLICANT - mailing address

NAME Douglas R. Kilgore
STREET 4310 Old Ranch Road
CITY Colorado Springs, CO 80908
(State) (Zip)
TELEPHONE NO. 303-495-3465

(2) LOCATION OF PROPOSED WELL

County EL PASO County
NE 1/4 of the SE 1/4, Section 9
Twp. 12 S, Rng. 65 W, 6th P.M.
(N.S) (E.W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15
Average annual amount of ground water to be appropriated (acre-feet): 1.5
Number of acres to be irrigated 1/2
Proposed total depth (feet): 250
Aquifer ground water is to be obtained from:
DRAVON
Owner's well designation N/A

GROUND WATER TO BE USED FOR:

() HOUSEHOLD USE ONLY - no irrigation (0)
(X) DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (6)
() COMMERCIAL (4) () MUNICIPAL (8)
() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name LICENSED
Street _____
City _____
(State) (Zip)
Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN
CL-1 7A 395

Receipt No. 70395
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

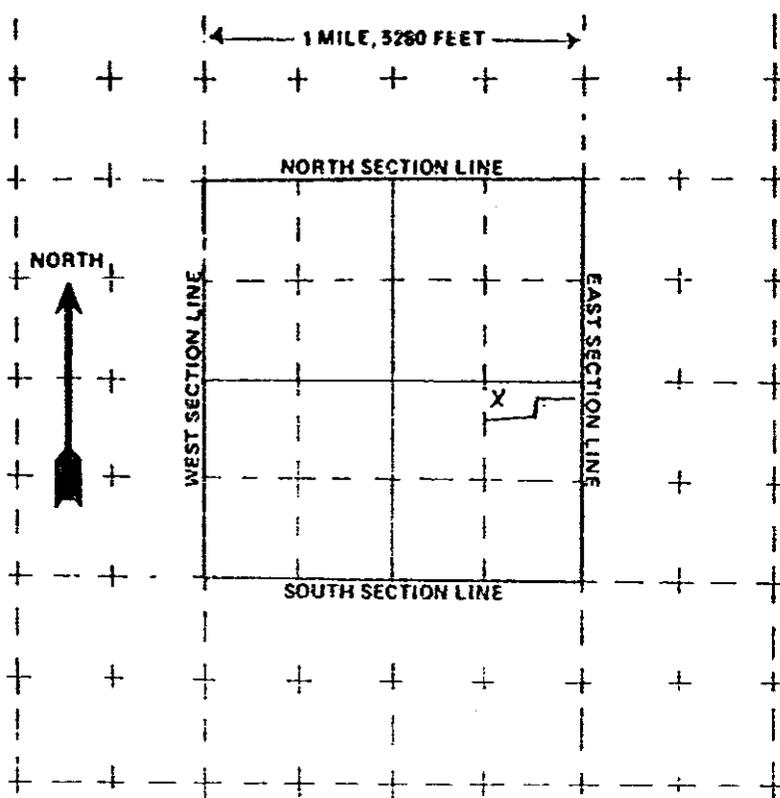
All 12/31/86

APPLICATION APPROVED

PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

(STATE ENGINEER)

BY _____
I.D. 2-10 COUNTY 21



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
 1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
 A family of 5 will require approximately 1 acre-foot of water per year.
 1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
 1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

1150 ft. from EAST sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: Douglas R. Kilgore
 No. of acres 7 1/2. Will this be the only well on this tract? yes

(8) PROPOSED CASING PROGRAM

Plain Casing
5 in. from 0 ft. to 20 ft.
4 1/2 in. from 20 ft. to 200 ft.
 Perforated casing
4 1/2 in. from 200 ft. to 250 ft.
 _____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): DOUGLAS R. KILGORE No. of acres: 7 1/2

Legal description: NE 1/4, SE 1/4, S 1/4, T 12S R 65W, 6 PM

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.
HOUSE, GARDEN HOSE OR 2 -
DISPOSAL BY SEPTIC SYSTEM TO COUNTY SPECIFICATIONS

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
<u>None</u>		

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

Douglas R. Kilgore
 SIGNATURE OF APPLICANT(S)

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

December 31, 1986

Mr. Douglas R. Kilgore

RE: Well Permit Application Receipt No. 70395

Dear Mr. Kilgore :

The referenced application for a permit to construct a well is being returned to advise you of a policy change in the evaluation of applications for exempt-type wells withdrawing ground water from the Denver Basin Aquifers and to give you the opportunity to amend your application. This change was necessitated by the enactment of Senate Bill 5, effective on July 1, 1985, and adoption of the Denver Basin Rules, effective on January 1, 1986.

Preliminary evaluation of the application indicates that water in the Dawson aquifer is tributary to surface streams. These surface streams are over-appropriated. At some or all times of the year, the water supplies for these surface streams are insufficient to satisfy all of the decreed water rights senior to an appropriation by your proposed well. Due to this, it is unlikely your application can be approved as requested. Based on the preliminary evaluation, it appears the following options may be available to you. Please review these options thoroughly before deciding to amend your application.

Option 1. Amend the application to "household use only" (ordinary household purposes inside one single family dwelling with no outside uses). The following checked items on the application must be amended. Please disregard those items that are not checked.

- (X) In item 3, the "number of acres to be irrigated" must be zero (0).
- (X) In item 3, under the subheading "Ground Water To Be Used For:", the "domestic" and/or "livestock" categories must be deleted and "household use only" checked.
- (X) In item 11, the uses as stated must be deleted (except for the type of disposal system to be used) and "household use only" indicated.

- () In item 11, the return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type, where the water is returned to the same stream system in which the well is located. A standard septic tank and leach field will generally qualify. Please indicate the type of disposal system you will utilize in item 11.

Option 2. Amend the application for construction of a well in the Denver aquifer, which is anticipated to exist in the interval between 1,025 feet to 1,915 feet below the land surface. Water from this well could be used for ordinary household purposes inside one single family dwelling and limited outside uses. The following checked items on the application must be amended. Please disregard those items that are not checked.

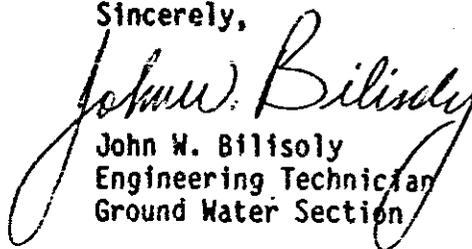
- (✓) In item 3, the "proposed total depth" should be greater than 1,025 feet but not greater than 1,915 feet.
- (✓) In item 3, the "aquifer ground water is to be obtained from" would be the Denver aquifer.
- (✓) In item 8, plain (nonperforated) casing must be installed down to a minimum depth of 1,025 feet. Perforated casing should not exceed a total depth of 1,915 feet.
- () In item 11, the return flow from the use of the well must be through an individual waste water disposal system of the type, where a portion of the water is returned to the same stream system in which the well is located. A standard septic tank and leach field will generally qualify. Please indicate the type of disposal system you will utilize in item 11.

Also, please be advised that as of April 30, 1986, it is not necessary to file a landownership affidavit with this type of application. If such an affidavit was submitted, it is being returned with your application. It is not necessary to resubmit the affidavit.

Your application is also being returned for the following reasons:

Please make the necessary amendments, corrections, and/or provide the information requested above. If other corrections or additional information is required for evaluation of the application, an additional memorandum may be enclosed. Please review the enclosures carefully before returning the application. All amendments to the application must be made using black ink or typed, and initialed and dated to be acceptable. If you have any questions, feel free to contact this office.

Sincerely,


John W. Bilisoly
Engineering Technician
Ground Water Section

JWB/pdt
Enclosures

/Form #0580(s)

DATA & CALCULATIONS DETERMINED BY WB ON 12/31/86
 (INITIALS) (DATE)

SOURCE OF DATA: DENVER BASIN ATLAS : OTHER (EXPLAIN)
 IS PROPERTY WITHIN SERVICE BOUNDARIES OF MUNICIPALITY S.B.5 CONSENT MAPS? NO YES

IF SUBDIVISION IS UNDER AUGMENTATION PLAN, CASE NO. IS _____, DIV. _____
 IF SUBDIVISION WAS RECOMMENDED FOR APPROVAL BY THE WATER MANAGEMENT BRANCH, DATE OF LETTER IS _____

INFORMATION ON SUBDIVISION OR TRACT OF LAND/SPECIAL RESTRICTIONS:
*parcel ok (see letter dated 11/17/75 from El Paso Cty. Land Use Dept. enclosed)
 per # 135594 exp. on 5/29/86 - processed.*

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)
	7630			6625	1015			

CALCULATIONS/NOTES *well depth 1015*

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)

CALCULATIONS/NOTES

AQUIFER	SURFACE ELEV. AT WELL	TOP ELEV.	DEPTH TO TOP (FT.)	BOTTOM ELEV.	DEPTH TO BOTTOM (FT.)	SATURATED SANDS	SPECIFIC YIELD	ANNUAL APPROPRIATION (ACRE-FEET)

CALCULATIONS/NOTES

EL PASO COUNTY

LAND USE DEPARTMENT

27 EAST VERMJO
COLORADO SPRINGS, COLORADO 80903

November 17, 1978

TO WHOM IT MAY CONCERN:

The tract of land presently owned by Douglas R. & Margie B. Kilgore described as "The west 990 feet and the north 30 feet of the east 330 feet of the north half of the north half of the northeast quarter of the southeast quarter of Section 9 in Township 12 South, Range 65 West of the 6th P.M., except any portion along the east side of subject property lying within the public roadway", is located within El Paso County, State of Colorado.

Research by the Land Use Department reveals no violation of the subdivision regulations adopted by El Paso County.

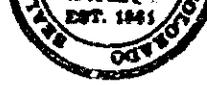
Respectfully,


Gordon W. Dustin
Senior Planner

GWD/bg

*Copy of document
attached to eff. per.
103645*

WB. 5/15/84



PER. # 135394
WB. 12/31/86

Elizabeth A. Smith Depu

State of Colorado
County of El Paso

Warranty Deed

Know all Men by these Presents, That Party Alva Barker

of the County of El Paso and State of Colorado, for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and convey to David G. Polhemus and Betty J. Polhemus

of the County of El Paso and State of Colorado, whose mailing address is 12760 Vollmer Road Colorado Springs, the following Real Property situate in the County of El Paso and State of Colorado, (Assessor's Schedule Number) to-wit:

The West 990 feet and the North 30 feet of the East 330 feet of the North half of the North half of the Northeast Quarter of the Southeast Quarter of Section 9 in Township 12 South, Range 55 West of the 6th P.M., except any portion along the East side of Subject property lying within the public roadway.

COPIES OF DOCUMENT ATTACHED TO FILE # 135594. SUB. 17414

Copy of document attached to eff. file # 103645 SUB. 5/15/84

STATE DOCUMENTARY

JUL 10 1978

FFF 1.00

15000

with all its appurtenances and warrant(s) the title to the same, subject to general taxes, reservations, restrictions, easements and Deed of Trust of record.

Signed and delivered this 20th day of April 1972

Marty Alva Barker

The Country Life: Where there's a well, there's a way to get water - hopefully

By: **Bill Radford** (/author/Bill+Radford) • June 15, 2015 • *Updated: June 15, 2015 at 4:10 am*

EXHIBIT D

About 27,000 households are served by individual water wells in El Paso County. BILL RADFORD, THE GAZETTE

[View Gallery !\[\]\(d2e38a41da4eeab72c79768cbd913227_img.jpg\) \(/gallery/articleid/1553752/pictures?display=flexFullscreen&galleryTheme=lightTheme\)](/gallery/articleid/1553752/pictures?display=flexFullscreen&galleryTheme=lightTheme)

[Log in to comment \(/comments/1/1553752\)](/comments/1/1553752)

When a well was drilled for a neighbor's new home recently, it was another "straw" dipping into the water beneath our feet.

There's a lot of such straws in the area. An estimated 27,000 homes - about 67,500 residents - are served by private water wells in El Paso County. That's about 11 percent of residents; the rest are served by public drinking water systems, from the biggie - Colorado Springs Utilities - to smaller ones such as Donala Water and Sanitation District, Cherokee Metro and the city of Fountain. The public systems draw their water from surface water, groundwater or both.

In eastern El Paso County, where I live, most utilize groundwater - the water that lies beneath the Earth's surface. Our well reaches 870 feet into the Arapahoe Aquifer; it's one of four aquifers that make up the Denver Basin, which stretches from El Paso County to Weld County.

If you're looking for property in the country with plans to dig a well, do your homework first, cautions Mark Birkelo, general manager of Barnhart Pump Co. in Falcon.

"The first phone call you want to make is to a water well contractor," Birkelo said. A company such as Barnhart quickly can check on water quality and quantity in a given area.

"That phone call can save a lot of grief," Birkelo said.

Once a site is chosen, the homeowner must acquire a permit from the state Division of Water Resources. Residential permits include domestic and household use only; the latter means no outside water, so no water for lawns, livestock, etc.

Ready to drill a well? "The cost for drilling and pumping can be considerable," cautions El Paso County's "Code of the West." Expect to pay about \$22 to \$24 a foot for a well 600 feet or deeper, Birkelo said; the cost per foot will be less if under about 600 feet. Barnhart is not a drilling company, but does the oversight for 40 to 50 new wells a year, Birkelo said.

If moving to property with a well, test the water pump's production and the quality of the water, Birkelo advised; for information on water potability testing, visit El Paso County Public Health's website at elpasocountyhealth.org/service/water-quality.

Quality is one issue; quantity is another. One afternoon I turned on the tap and nothing came out. The immediate paranoid thought: Our well had run dry. But we had simply overtaxed the water pump; after a 10-minute break, water started to flow again. But long-term worry remains. As a water resources report on the county's website notes, "the aquifers found in the Denver Basin are not considered to be a long-range, renewable source of water. The bedrock aquifers are subject to depletion if withdrawals exceed the natural recharge rate, which is very slow, given that the water within these aquifers has accumulated over thousands of years. The negligible rate of natural recharge, the considerable increase in water withdrawal, and the semiarid climate of the region have led to a situation where the amount of withdrawal from the aquifers may be exceeding the amount of recharge."

Birkelo, who has been in the water business in El Paso County for 30 years, believes that rate of replenishment

depends on the area. There are some wells that have a higher water level than they did decades before, he said, even though "there have been more straws put into that glass of water over time." In other areas, he has seen water levels drop.

Bottom line: It's tough to know what's happening deep underground, he says. That's why oil companies "spend millions of dollars trying to see what's down there" and often end up with a hole in the ground and nothing to show for it. "We know more about outer space," Birkelo said, "than we do what's under our own two feet."



El Paso County Public Health
1675 W Garden of the Gods Road Suite 2044
Colorado Springs, Colorado 80907 (719) 578-3120

REPORTING FORM FOR INORGANIC ANIONS IN WATER
EPA ID # CO00025

PWSID# CO0		CONTACT: Chris Cummins				
SITE ADDRESS: 12855 Linnwood Ln. Colorado Springs, Co 80908		PHONE:				
		FAX/EMAIL: cdc@cowaterlaw.com				
		COLLECTED BY: Mike Ludwig				
		SAMPLE COLLECTION DATE: 5/24/2018				
SITE DESCRIPTION: Private Well		SAMPLE COLLECTION TIME: 1000				
		MATRIX: Ground Water				
CUSTOMER: Chris Cummins Monson, Cummins & Shohet 13511 Northgate Estates Dr., Ste 250 Colorado Springs, CO 80921		RESIDUAL CHLORIDE: mg/L				
		SAMPLE RECEIVED DATE: 5/24/2018				
		RECEIVED TIME: 1354	TECH: LU			
		RECEIVED TEMP: 24.6 °C				
		DILUTIONS: 1:1 and 1:10				
COMMENTS:						
TESTED		COMPLETED		TECH		
DATE: 5/25/2018	DATE: 5/25/2018					
TIME: 0928	TIME: 1101	INITIALS: <i>CC/CP</i>				
LAB SAMPLE #IC: 052918	SAMPLE POINT NAME:					
SAMPLE POINT ID:		FACILITY TYPE:				
FACILITY ID:		FACILITY NAME:				
PARAMETER	RESULTS	UNITS	MCL	MSL	STANDARD METHOD	LAB MRL
Fluoride	0.36	mg/L	4.0		EPA 300	0.04
Chloride	1.8	mg/L		250	EPA 300	0.1
Nitrite-N	BDL	mg/L	1.0		EPA 300	0.2
Bromide	<0.2					0.2
Nitrate-N	0.3	mg/L	10.0		EPA 300	0.2
Orthophosphate-P	<0.3	mg/L	No Limit established		EPA 300	0.3
Sulfate	3.5	mg/L		250	EPA 300	0.3

BDL- Below Detection Limit

MCL- Maximum Contaminant Limit per EPA

H- Holding Time Exceeded

MRL- Minimum Reporting Limit

MSL- Maximum Secondary Limit per EPA

NT- No Test

Q- Quality Control Limit Exceeded

UNPAID

STANDARD BACTERIOLOGICAL WATER TEST

El Paso County Public Health Laboratory

1675 West Garden of the Gods Road, Suite 2044, Colorado Springs, CO 80907 • (719) 578-3120

METHOD:SM-9223B

EPA ID# CO00025

PWSID # C O O

- Raw Finished

Facility ID

Sample Point ID

Sample Taken: Date 5/24/18 Time 10 AM Name of Supply REDTAL #3

Address where sample was taken: 12855 FINNWOOD LN, CE, CO 80908

Sample site location PERMIT #74767-F Sampler Chlorine mg/L

- Community Supply Private Well City Non-Community EHS Surface/Spring Cistern

Results to CHRIS CUMMINS Phone 719-471-1212

Mailing address MONSON, CUMMINS + SLOTT; 13511 NORTHGATE ESTATE DR. #250

City/State/Zip: COLO. SPRINGS, CO 80921

Fax/Email CDC@COWATERLAW.COM

Date 5-24-18 Time 1350 Rc'd 24

Date 5-24-18 Time 1515 Tested

Date 5-25-18 Time 1120 Comp. djo

Lab Sample # 0556718

ColiIert Results Per 100ml

- Absence: Absence of coliform bacteria Presence: Presence of coliform bacteria & non-compliance with drinking water standards. The water supply should be treated & retested

MPN/100 ml

- Absence: E. Coli: Escherichia coli bacteria Presence:

MPN/100 ml