MVE, Inc.

March 12, 2020 PCD File No.: MS199

# Water Resources Report

Edgewood Subdivision Filing No. 1

The following describes the water supply to serve two (2) residential lots on 12.228 acres located in the southeast one-quarter of the northwest one-quarter of Section 28, Township 12 South, Range 65 west of the 6th principal meridian in El Paso County, Colorado (Subject Property). This letter is based on a decree entered in Case No. 19CW3006, Water Division 2 (Decree/copy attached), which decreed the Denver Basin groundwater underlying the Subject Property, and approves a plan for augmentation for use of up to two (2) wells in the Denver, Dawson, Arapahoe and Laramie-Fox Hills aquifers to serve each lot for a 300 year water supply period. Martens Well No. 1, as referenced in the decree, currently exists and is permitted under Permit No. 172086. A second well (Martens Well No. 2) is proposed following platting of the property into two lots.

## AMOUNTS DECREED AND AVAILABLE

The decreed amount of Dawson aquifer groundwater is not-nontributary and the decreed amount of Denver aquifer groundwater is also not-nontributary. The decreed amount of Arapahoe aquifer groundwater is nontributary and the decreed amount of Laramie-Fox Hills aquifer groundwater is also nontributary. The referenced decree sets forth withdrawal amounts based on 100-year aquifer life but allows withdrawal over a longer term as required by local regulations. El Paso County requires demonstration of adequate water supply for a 300 year term. Therefore the amounts in the decree are adjusted in this report to account for a 300-year term. The following annual amounts are decreed and are based on annual withdrawals over a 300 year period (one acre-foot is 325,851 gallons).

Annual withdrawals of currently constructed Martens Well No. 1 (proposed Lot 1) from the Denver aquifer (not-nontributary) shall not exceed 0.78 acre feet (254,164 gallons), nor more than 612 acre feet total. Annual withdrawals of the to be constructed Martens Well No. 2 (proposed Lot 2) from the Dawson aquifer (not-nontributary) shall not exceed 0.39 acre feet (127,082 gallons), nor more than 624 acre feet total. The State or Division Engineer shall curtail the pumping of more than those amounts from the Denver and Dawson aquifers.

## WATER SUPPLY

The residential lots (up to four potential as assumed in the Decree) will be served by individual not nontributary Dawson aquifer wells to be permitted and to operate pursuant to an augmentation plan as approved in the Decree. The Decree allows each of the 4 Dawson aquifer wells to withdraw 0.87 acre-foot per year for 300 years for the following uses:

***Engineers ● Surveyors***
***1903 Lelaray Street, Suite 200 ● Colorado Springs, CO 80909 ● Phone 719-635-5736***
***Fax 719-635-5450 ● e-mail mve@mvecivil.com***

Currently constructed Martens Well No. 1 (Lot 1)

| | |
|---|---|
| In-house use: | 0.25 acre-feet per year |
| Irrigation and stock-watering use: | 0.53 acre-feet per year limited to irrigation of 9,000 square feet of lawn or garden and watering 4 horses or equivalent livestock |

Total amount over 300 years = 300 x 0.78 = 234 acre-feet
Total decreed Denver aquifer water = 624 acre-feet

To be constructed Martens Well No. 2 (Lot 2)

| | |
|---|---|
| In-house use: | 0.25 acre-feet per year |
| Irrigation and stock-watering use: | 0.14 acre-feet per year limited to irrigation of 1,000 square feet of lawn or garden and watering 4 horses or equivalent livestock |

Total amount over 300 years = 300 x 0.39 = 117 acre-feet
Total decreed Denver aquifer water = 612 acre-feet

The water supply for the residential lots using one (1) Denver aquifer well and one (1) Dawson aquifer well pursuant to the augmentation plan approved in the referenced Decree is sufficient and satisfies the 300 year supply requirement of El Paso County.

## AUGMENTATION

The Plan for Augmentation is established in the decree entered in Case No. 19CW3006, Water Division 2 (Decree/copy attached). The plan calls for replacement of 4% of well diversions from currently constructed Martens Well No. 1. Use of new Martens Well No. 2, and any additional or replacement wells drilled to the Dawson Aquifer, requires replacement of actual stream depletions.

Depletions caused by pumping water from the Dawson aquifer shall be replaced as provided and decreed. The augmentation obligation for Martens Wells No. 1 and 2 are septic return flows from indoor uses. Applicants shall also reserve all of their nontributary Laramie-Fox Hills aquifer water (342 acre-feet) and 16 acre-feet of their nontributary Arapahoe aquifer water rights for the replacement of post-pumping depletions. The Augmentation Plan provided by the referenced decree prescribes a pumping period of a minimum of 300 years, as required to meet El Paso County's 300 year water requirement for approval of subdivisions utilizing non-renewable water resources for their source of water supply. Covenants for this subdivision will reinforce the findings and responsibilities and requirements of referenced water court decree

## WATER QUALITY

M.V.E., inc. has examined water quality testing results for a nearby existing well. The water samples were drawn from the water well fixtures connected to the State of Colorado permitted well of the Dawson Aquifer at 8155 Poco Road (Lot 4 Sunrise Meadow Subdivision Filing No. 1) which is located within one-half mile of the proposed new well for Edgewood Subdivision Filing No. 1. The samples were taken 2/17/19. Testing for the required contaminants was performed by Colorado Analytical Laboratory and Hazen Research, Inc. The examined reports contain tests for each of the required contaminants in accordance with the El Paso County Land Development Code. The Dawson Aquifer is a confined aquifer. M.V.E. Inc. compared the test results to the Maximum Contaminant Level (MCL) for each substance and found all results to be within acceptable levels in accordance with El Paso County standards contained in the Land Development Code. Therefore, we recommend that the El Paso County Health Department and El Paso County Attorney's office make a finding of sufficiency for water quality for the Providence Point Estates final plat.

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| **DISTRICT COURT, WATER DIVISION 2, COLORADO**<br>Court Address: 501 N. Elizabeth Street, Ste. 116<br>Pueblo, CO 81003<br>Phone Number: (719) 404-8832 | DATE FILED: July 29, 2019 4:10 PM<br>CASE NUMBER: 2019CW3006 |
| **CONCERNING THE APPLICATION FOR WATER RIGHTS OF:**<br><br>**JAMES AND KAREN LEE MARTENS**<br><br>**IN EL PASO COUNTY** | ▲ COURT USE ONLY ▲<br><br>Case No.: 19CW3006 |

**FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE**

THIS MATTER comes before the Water Referee on the Application filed by James and Karen Lee Martens, 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 applicants in this case are James and Karen Lee Martens, whose address is 8190 Poco Road, Colorado Springs, CO 80908 (collectively, "Applicant"). Applicant is the owner of approximately twelve (12) acres on which the structures sought to be augmented herein will be 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 Water Division 2 on January 30, 2019. The Application was referred to the Water Referee on February 1, 2019.

3. The time for filing statements of opposition to the Application expired on the last day of March 2019. No Statements of Opposition were filed.

4. 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 26, 2019, proof of publication in the *Colorado Springs Gazette* was filed with Water Court Division 2. All notices of the Application have been given in the manner required by law.

5. 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 March 21, 2019.

6. Pursuant to C.R.S. §37-92-302(4), the office of the Division Engineer for Water Division No. 2 filed its Consultation Report dated May 7, 2019, and a Response to the Consultation Report was filed by the Applicant on May 29, 2019. Both the Consultation Report and Response have been considered by the Water Referee in the entry of this Ruling.

7. 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

8. The Applicant requested the quantification and adjudication of water from the Denver Basin aquifers underlying the Applicant's property. The following findings are made with respect to such groundwater rights:

9. The land overlying the groundwater subject to the adjudication in this case is owned by the Applicant and consists of approximately twelve (12) acres located in the West two-thirds (2/3) of the S½ of the SE¼ of the NW¼ in Section 28, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, except the South 60 feet thereof conveyed to El Paso County for road purposes by Deed recorded in Book 2274 Page 314 of El Paso County records, as depicted on the attached **Exhibit A** map ("Applicant's Property"). Applicant intends to subdivide the property into up to two (2) lots of seven (7) and five (5) acres each. All groundwater adjudicated herein shall be withdrawn from the overlying land.

10. In accordance with the notice requirements of C.R.S. § 37-92-302, lienholders of the Applicant's property were sent a Letter of Notice dated January 31, 2019. A Certificate of Notice was filed with the District Court, Water Division 2, on February 19, 2019.

11. 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 contains not-nontributary water as defined in CRS § 37-90-103(10.7). The water of the Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant's Property are nontributary as defined in CRS § 37-90-103(10.5). The quantity of water in the Denver Basin aquifers exclusive of artificial recharge underlying the Applicant's Property is as follows:

| AQUIFER | NET SAND (ft) | DEPTH (ft) | Annual Average Withdrawal 100 Years (Acre Feet) | Total Withdrawal (Acre Feet) |
|---|---|---|---|---|
| Dawson (NNT) | 260 | 185 | 6.24 | 624 |
| Denver (NNT) | 300 | 1430 | 6.12 | 612 |
| Arapahoe (NT) | 255 | 1955 | 5.2 | 520 |
| Laramie-Fox Hills (NT) | 190 | 2500 | 3.42 | 342 |

12. 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 effected stream systems of actual stream depletions on an annual basis, to the extent necessary to prevent injurious effect, based upon actual aquifer conditions. The Denver aquifer underlying Applicant's Property is more than one mile from any point of contact between any natural surface stream, including its alluvium, and the aquifers, and therefore pursuant to C.R.S. §37-90-137(9)(c), Applicant must replace 4% of pumping for withdrawals from the Denver aquifer. Applicant shall not be entitled to construct a well or use water from the not-nontributary Dawson and 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.

13. 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 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 groundwater available for withdrawal from the underlying Denver Basin aquifers, based upon the 100-year aquifer life is determined and set forth above, based upon the Office of the State Engineer's Determination of Facts.

14. 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, subject to the requirement that such banking and excess withdrawals do not violate the terms and conditions of the plan for augmentation decreed herein and any other plan for augmentation decreed by the Court that authorizes withdrawal of the Denver Basin groundwater decreed herein.

15. Subject to the terms and conditions of this Decree and final approval by the State Engineer's Office pursuant to the issuance of well permits in accordance with C.R.S. §§37-90-137(4) or 37-90-137(10), the Applicant shall have the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, 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 is 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.

16. 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

17. The structures to be augmented are Martens Well Nos. 1 and 2, along with any additional or replacement wells associated therewith. The Martens Well No. 1, is completed to the Denver aquifer and is permitted as Well Permit No. 172086. Martens Well No. 2 will be completed to the Dawson aquifer. Martens Well No. 1 will be re-permitted as a non-exempt well within 60 days of entry of the decree. Geophysical logging of all newly drilled wells permitted pursuant to this decree is required.

18. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation obligation for Martens Well No. 1, and any additional or replacement wells constructed to the Denver aquifer, requires the replacement of 4% of well diversions. The Martens Well No 2, 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. The water rights to be used for augmentation during pumping are the septic return flows from indoor uses after the diversion of the Martens Well Nos. 1 and 2. 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 aquifer. Applicant shall provide for the augmentation of stream depletions caused by pumping the Martens Well Nos. 1 and 2 as approved herein.

Such return flows may be used only to replace depletions under this plan for augmentation, and may not be used, sold, traded, or assigned.

A. Diversions: The currently constructed Martens Well No. 1 may pump up to 0.78 annual acre feet of water per year from the Denver aquifer, while the to-be constructed Martens Well No. 2 may pump up to 0.39 annual acre feet of water per year from the Dawson aquifer, for a maximum total of 1.17 annual acre feet being withdrawn from the Dawson and Denver aquifers. Households will utilize an estimated 0.25 acre feet of water per year per residence, with remaining well pumping available for other uses on the property, including, for example, irrigation of approximately 9,000 square feet of lawn and garden and the watering of up to four horses or equivalent livestock, for the residence served by the well drilled to the Denver aquifer, while the residence served by the well drilled to the Dawson aquifer has entitlements of irrigating 1,000 square feet of lawn and garden and the watering of up to four horses or equivalent livestock. The foregoing figures assume the use of two individual septic systems, with resulting return flows from each.

B. Depletions: Consistent with the figures provided in the Division Engineer's Consultation Report, maximum stream depletions over the 300-year pumping period will amount to approximately 56.25% of pumping of the Martens Well No. 2 from the Dawson aquifer and 18.69% of pumping of the Martens Well No. 1 from in the Denver aquifer. Maximum annual depletions for total residential pumping from Martens Well No. 2 is therefore 0.219 acre feet in and 0.146 acre feet for Martens Well No. 2 in year 300.

C. Augmentation of Depletions During Pumping Life of Wells: Pursuant to C.R.S. §37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of Martens Well No. 1 and 4% of pumping from Martens Well No. 2. The Court has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At the household use rate of 0.25 acre feet per residence per year, total of 0.50 acre feet (assuming two residences), 0.45 acre feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Applicant will not cause stream depletions to exceed this amount during pumping.

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 Martens Well Nos. 1 and 2, Applicant will reserve all of the water from the nontributary Laramie Fox Hills aquifer and 16 acre feet from the Arapahoe aquifer, accounting for actual stream depletions replaced during the plan pumping period, 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 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 a new well permit for the Martens Well Nos. 1 and 2 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

19. This decree, upon recording, shall constitute a covenant running with Applicant's Property, benefitting and burdening said land, and requiring construction of well(s) to the nontributary aquifers and pumping of water to replace any injurious post-pumping depletions under this decree. 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 groundwater 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.

20. Applicant or its successors shall be required to initiate pumping initially from the Laramie-Fox Hills aquifer for the replacement of post-pumping depletions when either: (i) the absolute total amount of water available to each well 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 Martens Well Nos. 1 and 2 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.

21. 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 or reduced for any

reason, then the 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 for any post-pumping depletions.

22. 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 18 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.

23. 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.

24. 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 Martens Well Nos. 1 and 2. As a result of the operation of this plan for augmentation, the depletions from the Martens Well Nos. 1 and 2 and any additional or replacement wells associated therewith will not result in material injury to the vested water rights of others.

## CONCLUSIONS OF LAW

25. The application for adjudication of Denver Basin groundwater and approval of plan for augmentation was filed with the Water Clerk for Water Division 2, pursuant to C.R.S. §§37-92-302(1)(a) and 37-90-137(9)(c).

26. 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.

27. 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.

28. 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 well(s) 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).

29. 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.

30. 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.

31. 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 Martens Well Nos. 1 and 2 without adversely affecting any other vested water rights in the Arkansas River or its 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:**

32. 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.

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

34. The Applicant has furnished acceptable proof as to all claims and, therefore, the Application for Adjudication of Groundwater and 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.

35. 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.

36. Applicant is awarded the vested right to use Martens Well Nos. 1 and 2, along with any necessary additional or replacement wells associated with such structures, for the extraction and use of groundwater from the not-nontributary Dawson and Denver aquifers pursuant to the Plan for Augmentation decreed herein. Upon entry of this decree and submittal by the Applicant of a complete well permit application and filing fee, the State Engineer shall issue a revised permit for Martens Well Nos. 1 and 2 pursuant to C.R.S. §37-90-137(4), consistent with and references the Plan for Augmentation decreed herein.

37. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water covered by the Martens Well Nos. 1 and 2 so long as the return flows from the annual diversions associated with the Martens Well Nos. 1 and 2 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 Martens Well Nos. 1 and 2 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, as appropriate, shall at all times during pumping be in an amount sufficient to replace the amount of stream depletions.

38. 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 18.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 38 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 effect 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 38 concerning adjustments to the Denver Basin groundwater 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 37.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.

39. 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.

40. Except as otherwise specifically provided in Paragraphs 38-39, 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 effect 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.

41. 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 meters on all Martens 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.

42. 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. The State Engineer shall identify in any permits issued pursuant to this decree the specific uses which can be made of the groundwater to be withdrawn, and shall not issue a permit for any proposed use, which use the State Engineer determines to be speculative at the time of the well permit application or which would be inconsistent with the requirements of this decree, any separately decreed plan for augmentation, or any modified decree and augmentation plan.

43. 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 5th day of July, 2019.

BY THE COURT:

Kate Brewer, Water Referee
Water Division 2

## DECREE

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

Dated: July 29, 2019

BY THE COURT:

LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

Exhibit A

# *El Paso County Assessor's Office*

8190 POCO RD

SCHEDULE: 5228000011

OWNER: MARTENS KAREN L

MARTENS JAMES D

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N

W E

S

DATE FILED: June 17, 2019 2:56 PM

FORM NO. GWS-11 07/93

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

For Office Use only

RECEIVED
NOV 25 '94
WATER RESOURCES
STATE ENGINEER

PRIOR TO COMPLETING FORM, SEE INSTRUCTIONS ON REVERSE SIDE

# CHANGE IN OWNERSHIP/ADDRESS / LOCATION

## WELL PERMIT, LIVESTOCK TANK OR EROSION CONTROL DAM

1. NEW OWNER

NAME(S) Richard P. and Carol L. Albrecht
Mailing Address 225 May Street
City, St. Zip Bishop, Ca. 93514
Phone (619 ) 873-6501

2. THIS CHANGE IS FOR ONE OF THE FOLLOWING:

[X] WELL PERMIT NUMBER 172086
[ ] LIVESTOCK WATER TANK NUMBER
[ ] EROSION CONTROL DAM NUMBER

3. WELL LOCATION: COUNTY El Paso OWNER'S WELL DESIGNATION

8040 Poco Road (Address) Colorado Springs, (City) Co. (State) 80908 (Zip)

S.E. 1/4 of the N.W 1/4, Sec. 28 Twp. 12 [ ] N. or [X] S., Range 65 [ ] E. or [X] W. 6th P.M.

Distances from Section Lines 2270 Ft. from [X] N. or [ ] S. Line, 1975 Ft. from [ ] E. or [X] W. Line.

Subdivision Lot Block Filing (Unit)

4. LIVESTOCK TANK OR EROSION CONTROL DAM LOCATION: COUNTY

1/4, Sec. Twp. [ ] N. or [ ] S., Range [ ] E. or [ ] W. P.M.

5. The above listed owner(s) say(s) that he (they) own the structure described herein.
The existing record is being amended for the following reason(s):

[X] Change in name of owner. [X] Change in mailing address. [ ] Correction of location.

6. I (we) have read the statements made herein, know the contents thereof, and state that they are true to my (our) 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.]

| Name/Title (Please type or print) | Signature | Date |
|---|---|---|
| Richard P. Albrecht<br>Carol L. Albrecht | Richard P. Albrecht<br>Carol L. Albrecht | 11/18/94 |

FOR OFFICE USE ONLY

**ACCEPTED AS A CHANGE IN OWNERSHIP AND/OR MAILING ADDRESS.**

Hal D. Simpson
State Engineer

By

JAN 04 1995
Date

Court Case No. Div. Co. WD Basin MD Use

FORM NO. GWS-32 10/94

# PUMP INSTALLATION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only

RECEIVED

JUN 29 1999

WATER RESOURCES STATE ENGINEER COLO

1. WELL PERMIT NUMBER 172086

2. OWNER NAME(S) MICHAEL L. & AUDREY A. YOWELL
Mailing Address 840 POCO TRD.
City, St. Zip CS, CO. 80908
Phone (719) 495-9287

3. WELL LOCATION AS DRILLED: SE 1/4 NW 1/4, Sec. 28 Twp. 12S, Range 65W 6th
DISTANCES FROM SEC. LINES:
2270 ft. from NORTH (north or south) Sec. line. and 1975 ft. from WEST (east or west) Sec. line.
SUBDIVISION: LOT BLOCK FILING(UNIT)
STREET ADDRESS AT WELL LOCATION: 8190 POCO TRD.

4. PUMP DATA: Type SUBMERSIBLE Installation Completed 5/24/99
Pump Manufacturer GOULDS Pump Model No. 7GS2042
Design GPM 7 at RPM 3450, HP 2, Volts 230, Full Load Amps 13.2
Pump Intake Depth 756 Feet, Drop/Column Pipe Size 1" Inches, Kind STEEL

ADDITIONAL INFORMATION FOR PUMPS GREATER THAT 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 | 5/24/99 |
| Total Well Depth | 900 | Time | |
| Static Level | 365 | Rate (GPM) | 10 |
| Date Measured | 6/26/96 | Pumping Lvl. | 756 |

7. DISINFECTION: Type H+H Amt. Used 6oz.

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 KUNAU DRILLING LLC Phone (719) 683-3720 Lic. No. 1149.
Mailing Address 23945 LUCKY LN. CALHAN, CO. 80808

| Name/Title (Please type or print) | Signature | Date |
|---|---|---|
| TIM KUNAU/OWNER | Tim Kunau | 5-26-99 |

FORM NO. GWS-31-10/94

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

For Office Use only

RECEIVED

SEP 04 1996

WATER RESOURCES STATE ENGINEER COLO

1. **WELL PERMIT NUMBER** 172086

2. OWNER NAME(S) Michael L & Audrey A Yowell
Mailing Address 8040 Poco Rd.
City, St. Zip Colo Spgs, Co 80908
Phone (719) 495-9287

3. WELL LOCATION AS DRILLED: SE 1/4 NW 1/4, Sec. 28 Twp. 12 S, Range 65 W.
DISTANCES FROM SEC. LINES:
2270 ft. from North (north or south) Sec. line. and 1975 ft. from West (east or west) Sec. line. OR
SUBDIVISION: LOT BLOCK FILING(UNIT)
STREET ADDRESS AT WELL LOCATION:

4. GROUND SURFACE ELEVATION ft. DRILLING METHOD Mud Rotary
DATE COMPLETED 6-26-96. TOTAL DEPTH 900 ft. DEPTH COMPLETED 900 ft.

5. GEOLOGIC LOG:

| Depth | Description of Material (Type, Size, Color, Water Location) |
|---|---|
| 0-1 | Topsoil |
| 4 | Sand |
| 215 | Clay Sandrock |
| 236 | Sandrock |
| 287 | Clay Sandrock |
| 315 | Sandrock |
| 367 | Clay Sandrock |
| 410 | Sandrock |
| 545 | Clay Sandrock |
| 572 | Sandrock |
| 657 | Clay Shale |
| 682 | Sandrock |
| 792 | Clay Shale |
| 855 | Sandrock |
| 872 | Clay Shale |
| 893 | Sandrock |
| 900 | Clay Shale |

REMARKS:

6. HOLE DIAM. (in.)

| From (ft) | To (ft) |
|---|---|
| 0 | 20 |
| 20 | 900 |

7. PLAIN CASING

| OD (in) | Kind | Wall Size | From(ft) | To(ft) |
|---|---|---|---|---|
| 6 5/8 | Steel | 188 | +1 | 20 |
| 4 1/2 | Steel | 188 | 7 | 520 |

PERF. CASING: Screen Slot Size: torched

| | | | | |
|---|---|---|---|---|
| 4 1/2 | Steel | 188 | 520 | 900 |

8. FILTER PACK:
Material Gravel
Size 1/4"
Interval 20-480

9. PACKER PLACEMENT:
Type Rubber
Depth 520

10. GROUTING RECORD:

| Material | Amount | Density | Interval | Placement |
|---|---|---|---|---|
| Cement | 2 bags | 12 gal | 6-20 | Poured |
| Cement | 6 bags | 36 gal | 480-520 | Pumped |

11. DISINFECTION: Type H+H 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 Bailed
Static Level 365 ft. Date/Time measured 6-26-96, Production Rate 12 gpm.
Pumping level 760 ft. Date/Time measured 6-26-96, Test length (hrs.) 4
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)(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 Kunau Drilling & Exc Phone (719) 683-3720 Lic. No. 1148.
Mailing Address 2394 S Lucky Lane Calhan Co 80808

| Name/Title (Please type or print) | Signature | Date |
|---|---|---|
| Tim Kunau - Owner | | |

FORM NO. GWS-25

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

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 172086 - ____ -__

DIV. 2 CNTY. 21 WD 10 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

MICHAEL L & AUDREY A YOWELL
8040 POCO RD
COLO SPRGS CO 80908

( 719)495-9287

APPROVED WELL LOCATION
EL PASO COUNTY

SE 1/4 NW 1/4 Section 28
Twp 12 S RANGE 65 W 6th P.M.

DISTANCES FROM SECTION LINES
2270 Ft. from North Section Line
1975 Ft. from West Section Line

**PERMIT TO CONSTRUCT A 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 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.

2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation 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 17.

3) Approved pursuant to CRS 37-92-602(3)(b)(I) and policy of the State Engineer under the following conditions.

4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling, the watering of domestic animals, and the irrigation of not more than 18,000 square feet of home gardens and lawns.

5) Production from this well is restricted to the Denver aquifer which corresponds to the interval between 520 feet and 1440 feet below ground surface. Plain casing shall be installed and sealed to prevent production from other zones.

6) The maximum pumping rate shall not exceed 15 GPM.

7) The annual amount of ground water to be withdrawn shall not exceed 1.25 acre-feet.

8) The return flow from the use of the well must be through an individual waste water disposal system of the type so that not less than 4% of the total amount of water withdrawn is returned to the same stream system in which the well is located.

9) This well shall be constructed not more than 200 feet from the location specified on this permit.

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. MAS 8-18-93

PERMIT EXPIRATION DATE EXTENDED Aug 19 1996
MAS 4-27-95

APPROVED
MAS

Hal D. Simpson
State Engineer

By

Receipt No. 0355805 DATE ISSUED AUG 19 1993 EXPIRATION DATE AUG 19 1995

WRJ-5-Rev. 76

# COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED
JUN 25 '93
WATER RESOURCES
STATE ENGINEER
COLO.

## PERMIT APPLICATION FORM

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

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

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

7240

### (1) APPLICANT - mailing address

NAME Michael L. and Audrey A. Yowell

STREET 8040 Poco Road

CITY Colorado Springs, CO 80908
(State) (Zip)

TELEPHONE NO. (719)495-9287

### (2) LOCATION OF PROPOSED WELL

County EL PASO W.2/3 of the S. 1/2

SE ¼ of the NW ¼, Section 28

Twp. 12 S (N,S), Rng. 65 W (E,W), 6th P.M.

### (3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15

Average annual amount of ground water to be appropriated (acre-feet): 1.25

Number of acres to be irrigated: .25

Proposed total depth (feet): 650 feet

Aquifer ground water is to be obtained from:
the Denver

Owner's well designation _____

### GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
(xx) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) 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. 355805 / _____

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.

PRE 72 TRACT AC PLOTTED ON 62B

HO 1 AMT, 4PC + 18,000 GAL

TDK

### APPLICATION APPROVED

PERMIT NUMBER _____

DATE ISSUED _____

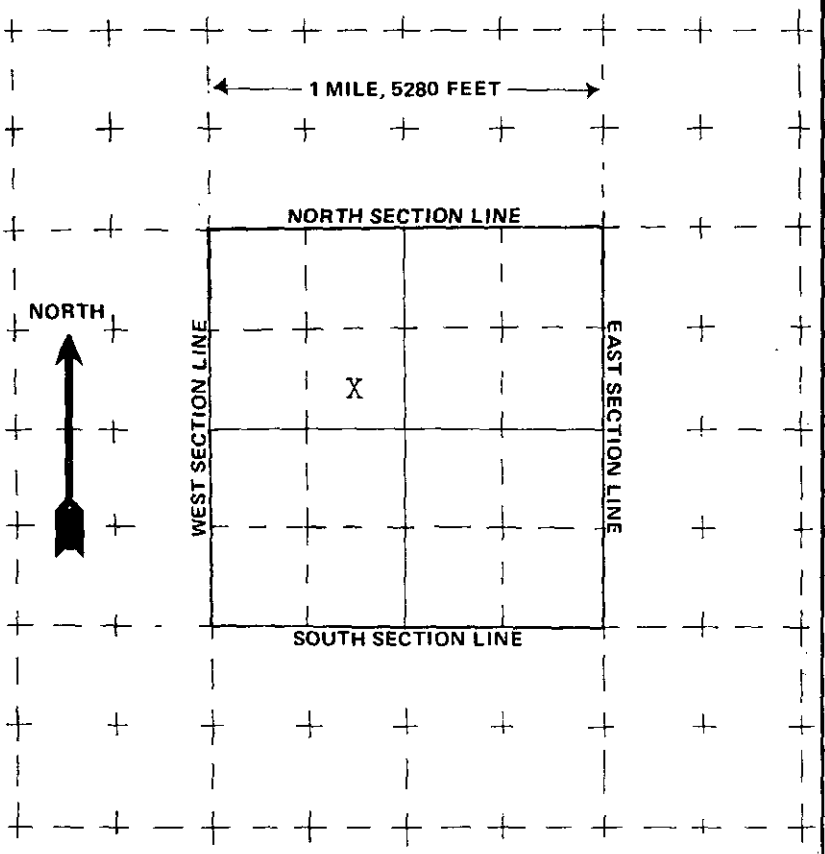
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____

I.D. 2 COUNTY 21-10

**(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.

2270 ft. from North (north or south) sec. line ✓

1975 ft. from WEST (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

No. of acres 13.19 gross ~~12.0 net.~~ . Will this be the only well on this tract? yes

**(8) PROPOSED CASING PROGRAM**

Plain Casing

6 in. from 0 ft. to 520 ft.

_____ in. from _____ ft. to _____ ft.

Perforated casing

.6 in. from 520 ft. to 650 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): MICHAEL L. YOWELL AND AUDREY A. YOWELL No. of acres: 13.19 gross 12.0 net

Legal description: W. 2/3 of the S.1/2 of the S.E. 1/4 of the N.W. 1/4 Section 28, Township ~~12 S, Range 65 West of the 6th p.m. except the S. 60 feet~~

**(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, lawn and garden irrigation, watering up to four (4) large animals (i.e. horses). Septic System to meet El Paso County Dept. of Health requirements necessary to obtain permit.

**(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 |
|---|---|---|
| n/a | | |
| | | |

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

Michael L. Yowell Audrey A. Yowell

*SIGNATURE OF APPLICANT(S)*

Use additional sheets of paper if more space is required.

EXEMPT WELL DATA SHEET - DENVER BASIN, COLORADO

APPLICANT: YOWELL RECEIPT NO. 355805
LOCATION: SE1/4 OF NW1/4 OF SEC. 28, T.12S., R.65W. (2270 NSL, 1975 WSL)

PROPOSED AQUIFER:
SURFACE ELEVATION: 7240 NUMBER OF ACRES IN TRACT: 12

---

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 MAS on JULY 27, 1993

---

| AQUIFER | ELEVATION BOT. | ELEVATION TOP | NET SAND | DEPTH TO BOT. | DEPTH TO TOP | ANNUAL APPROP A-F | STATUS |
|---|---|---|---|---|---|---|---|
| UPPER DAWSON | 6746 | 7137 | 196 | 494 | 103 | 4.680 | NNT |
| LOWER DAWSON | ---- | ---- | ---- | ---- | ---- | ---- | --- |
| DENVER | 5801 | 6720 | 297 | 1439 | 520 | 6.059 | (NNT) 4 90 area |
| UPPER ARAPAHOE | 5274 | 5760 | 256 | 1966 | 1480 | 5.222 | NT |
| LOWER ARAPAHOE | ---- | ---- | ---- | ---- | ---- | ---- | --- |
| LARAMIE-FOX HILLS | 4728 | 5009 | 190 | 2512 | 2231 | 3.420 | NT |

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.

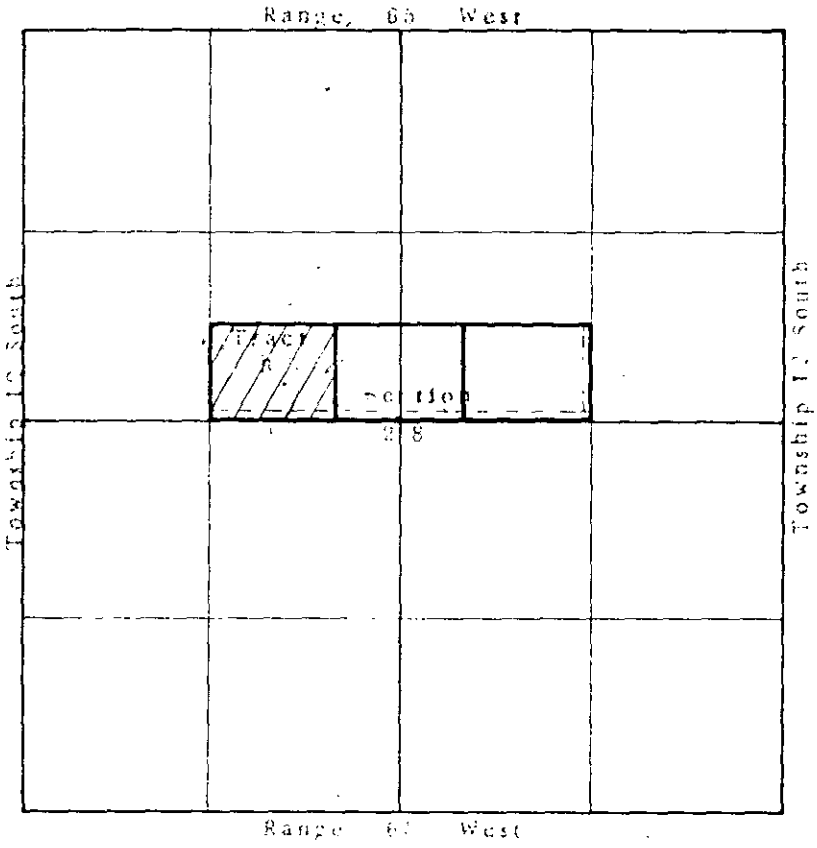
| | DATE |
|---|---|
| DRAWN CC | 4-30-65 |
| CHECKED | RNS |
| APPROVED | |

# Certificate of Survey

**CONARD SURVEY COMPANY**

Colorado Springs, Colorado

| | |
|---|---|
| DWG. NO. | 65464 - 3 |
| SCALE | 4" = 1 mile |



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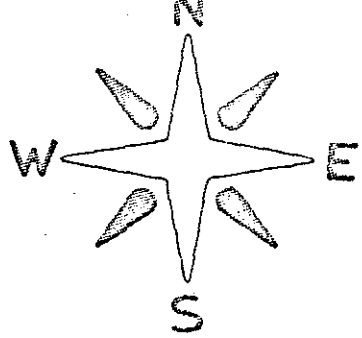
STATE ENGINEER
COLO.

LEGAL DESCRIPTION FOR TRACT 3:

The West Two-thirds of the South half of the Southeast quarter of the Northwest quarter of Section 28, in Township 12 South, Range 65 West of the 6th P. M., except the South 60 feet of the above described premises for road purposes, all in El Paso County, Colorado.

Registered Land Surveyor

DELGADO & ASSOCIATES
905 N. College Ph-484-0533
Fort Collins, Colorado 80521




SCALE: 1" = 100'

N. LINE, S1/2, SE 1/4, NW 1/4

NW CORNER, S1/2, SE 1/4, NW 1/4, SEC. 28, T.12 S., R.65 W.

7.0

6.6'

N 89° 53' 03" E 360.00'

20' EASEMENT PLATEAU NATURAL GAS

50'

EASEMENT - MOUNTAIN VIEW ELECTRIC

10'

10'

952.14'

NE CORNER, S1/2, SE1/4, NW 1/4, 28-12S-65W

TRACT "A"

5.000' ACRES, MORE OR LESS, NET
5.495' ACRES, MORE OR LESS, GROSS

665.17'

605.17'

664.73'

604.73'

W. LINE, S1/2, SE 1/4, NW1/4, 28-12S-65W

● TRUE PROPERTY CORNER, PIN NOT SET

○ PIN SET

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JUN 25 '93
WATER RESOURCES
STATE ENGINEER
COLO.

N 00° 05' 56" E

S 00° 05' 56" W

16.3'

14.2'

S 89° 48' 49" W 360.00'

CENTER 1/4 COR. 28-12S-65W

WEST 1/4 COR. 28-12S-65W

60.00

ROAD R.O.W.

60.00

P.O.B.

1310.97'

950.98'

13.1'

S 89° 48' 49" W 360.00'

12.7'

SW COR., S 1/2, SE 1/4, NW 1/4, 28-12S-65W

EAST-WEST ℄, SEC. 28

GUADALUPE PETER DELGADO
REGISTERED
10725

RECEIVED
JUN 25 '93
WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION: ( TRACT "A" )

A tract of land situate in the Northwest 1/4 of Section 28, Township 12 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Considering the East-West centerline of said Section 28 as bearing S 89°48'49"W., and with all bearings contained herein relative thereto:

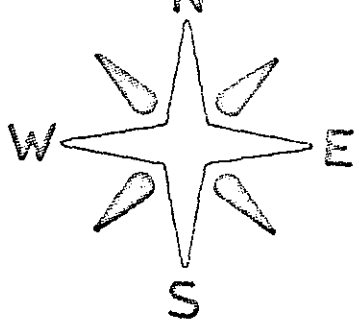
Commencing at the Center of said Section 28; thence along the East-West centerline S 89°48'49"W., 950.96 feet to the point of beginning; thence on a prolongation of said line S 89°48'49"W., 360.00 feet to the Southwest corner of the Southeast 1/4 of the Northwest 1/4 thence N 00°05'56"E., 665.17 feet to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Northwest 1/4; thence N 89°53'03" E., along the North line of said South 1/2 360.00 feet; thence S 00°05'56"W., 664.73 feet more or less to the point of beginning. SUBJECT to an easement along the North 20 feet for PLATEAU NATURAL GAS and SUBJECT to an easement for MOUNTAIN VIEW ELECTRIC 20 feet wide, 10 feet on each side of a centerline and said centerline being 50 feet South of the North Property Line. SUBJECT to a 60 foot Road Right of Way on the South. SUBJECT to any rights of ways, easements, restrictions as now in use or as now on record.

Said tract contains 5.000 Acres more or less net and said tract contains 5.495 Acres more or less gross.

Guadalupe P. Delgado
Reg. L.S. 10725

File No. 65-12-28-1S

DELGADO & ASSOCIATES
905 N. College Ph-484-0533
Fort Collins, Colorado 80521




SCALE: 1" = 100'

NW CORNER, S1/2, SE 1/4, NW 1/4, SEC. 28, T. 12 S., R. 65 W.

N. LINE, S1/2, SE 1/4, NW 1/4,

N 89° 53' 03" E — 504.50'

360.00'

20' EASEMENT PLATEAU NATURAL GAS

447.64'

150

EASEMENT — MOUNTAIN VIEW ELECTRIC

10'
10'

NE CORNER, S1/2, SE 1/4, NW 1/4, 28-12S-65W

TRACT "B"

7.000 ACRES, MORE OR LESS, NET
7.695 ACRES, MORE OR LESS, GROSS

604.73'

664.73'

604.11'

664.11'

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JUN 25 '93
WATER RESOURCES
STATE ENGINEER

● TRUE PROPERTY CORNER, PIN NOT SET

○ PIN SET

N 00° 05' 56" E

S 00° 05' 56" W

S 89° 48' 49" W — 504.50'

60.00'

ROAD R.O.W.

60.00'

P.O.B.

360.00'

S 89° 48' 49" W

504.50'

446.48'

SW CORNER, S 1/2, SE 1/4, NW 1/4, 28-12S-65W.

EAST-WEST ℄ SEC. 28

CENTER 1/4 CORN 28-12S-65W

GUADALUPE PETER DELGADO
REGISTERED

LEGAL DESCRIPTION: ( TRACT " B" )

A tract of land situate in the North 1/2 of Section 26, Township 12 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Considering the East-West centerline of said Section 26 as bearing S 89° 48' 49" W., and with all bearings contained herein relative thereto:

Commencing at the center of said Section 26; thence along said East-West centerline S 89° 48' 49" W., 446.46 feet to the point of beginning; thence on a prolongation of said line S 89° 48' 49" W., 504.50 feet; thence N 00° 05' 56" E., 664.73 feet to the North line of the South 1/2 of the Southeast 1/4 of the Northwest 1/4 ; thence along said North line N 89° 53' 03" E., 504.50 feet; thence S 00° 05' 56" W., 664.11 feet more or less to the point of beginning. SUBJECT TO an easement along the North 20 feet for PLATEAU NATURAL GAS and SUBJECT TO an easement for MOUNTAIN VIEW ELECTRIC 20 feet wide, 10 feet on each side of a centerline and said centerline being 50 feet South of the North Property Line. SUBJECT TO a 60 foot Road Right of Way on the South. SUBJECT to any rights of way, easements, restrictions as now in use or as now on record.

Said tract contains 7.000 Acres more or less net and said tract contains 7.693 acres more or less gross.

Guadalupe P. Delgado

Guadalupe P. Delgado
Reg. L.S. 10725

File No. 65-12-28-1S

GUADALUPE PETER DELGADO REGISTERED 10725 LAND SURVEYOR STATE OF COLORADO

RECEIVED
JUN 25 '93
WATER RESOURCES

Filed for record the ... day of ... A. D. 19... at ... o'clock ... M.

No. 179836

2131 885

HARRIET BEALS RECORDER

# QUIT CLAIM DEED
(Statutory Form)

KNOW ALL MEN BY THESE PRESENTS, that BYRON J. JOHNSTON and NORMA L. JOHNSTON and HUBERT N. WEBB and LOIS B. WEBB

of the County of El Paso, State of Colorado, for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and Quit Claim to

TOMMY E. KEESE and RUTH G. KEESE

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

the following described Real Property, situate in the County of El Paso, and State of Colorado, to-wit:

The West One-third of the South half of the Southwest quarter of the Northeast quarter and the East One-third of the South half of the Southeast quarter of the Northwest quarter of Section 28, in Township 12 South, Range 65 West of the 6th P.M., except the South 60 feet of the above described premises for road purposes, all in El Paso County, Colorado.

Best Copy Available

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JUN 25 '93
... RESOURCES
... ENGINEER

with all its appurtenances.

Signed and delivered this 13th day of May 19 66.

Byron J. Johnston & Norma L. Johnston

Hubert N. Webb & Lois B. Webb

STATE OF COLORADO,
County of El Paso } ss.

The foregoing instrument was acknowledged before me this 13th day of May, 19 66, by Byron J. Johnston and Norma L. Johnston and Hubert N. Webb and Lois B. Webb

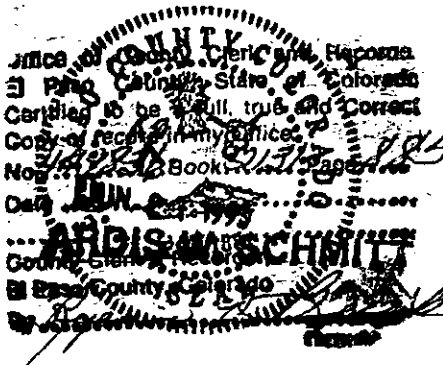
Witness my hand and official seal.

My commission expires: MY COMMISSION EXPIRES MAY 10 '67

Notary Public

Standard Form Number 12, Adopted by Colorado Springs Board of Realtors, Inc.

Out West 1600 - 7-7765


Clerk
State of Colorado
ARDIS W. SCHMITT

Filed for record the 00216454 day of ____ A.D. 19__ at 92 JUN 25 AM 11:46 o'clock M.

BOOK 5998 PAGE 1374

No. ____

ARDIS W. SCHMITT
EL PASO COUNTY CLERK & RECORDER ____ RECORDER

STATE DOCUMENTARY

# Warranty Deed

JUN 25 1992

FEE 6.50

5

KNOW ALL MEN BY THESE PRESENTS, That TOMMY E. KEESE AND RUTH G. KEESE

of the County of EL PASO and State of COLORADO for the consideration of SIXTY FIVE THOUSAND DOLLARS AND 00/100---------- ($ 65,000.00 ) dollars in hand paid hereby sell and convey to MICHAEL L. YOWELL AND AUDREY A. YOWELL whose legal address is (including road or street address if applicable) 819 N. Prospect Street, Colorado Springs, Colorado 80903 *in Joint Tenancy* of the County of ElPaso and State of Colorado the following Real Property situated in the County of El Paso and State of Colorado, to wit:

THE WEST TWO-THIRDS (2/3) OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28 IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPT THE SOUTH 60 FEET THEREOF CONVEYED TO EL PASO COUNTY FOR ROAD PURPOSES BY DEED RECORDED IN BOOK 2274 AT PAGE 314, EL PASO COUNTY, COLORADO.

RECEIVED
JUN 25 '93
WATER RESOURCES
STATE ENGINEER
COLO

6.50

with all its appurtenances and warrant(s) the title to the same, subject to taxes and assessments for the current year and subsequent years, easements, covenants, rights of way and restrictions of record, if any.

Signed and delivered this 15th day of June 19 92

Tommy E. Keese by Ruth G. Keese as Attorney in fact
TOMMY E. KEESE BY RUTH G. KEESE AS ATTORNEY IN FACT.

Ruth G. Keese
RUTH G. KEESE

STATE OF COLORADO
County of EL PASO SS

The foregoing instrument was acknowledged before me this 15th day of June 19 92 by RUTH G. KEESE, INDIVIDUALLY AND AS ATTORNEY IN FACT FOR TOMMY E. KEESE.

Witness my hand and official seal.
My commission expires 3/13/95

C.M. Arbuckle
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

* IF JOINT TENANCY IS NOT DESIRED, STRIKE PHRASE BETWEEN ASTERISKS.

CLT-3030

RECEIVED
APR 21 '95
WATER RESOURCES
STATE ENGINEER
COLO

April 19, 1995

State of Colorado
Office of the State Engineer
821 Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Dear Colorado State Engineer:

I am writing to request an extension of the expiration date for well permit #172086, located at 8040 Poco Road, Colorado Springs, expiration date August 19, 1995.

We purchased the said property, with existing permit, in August 1994. Due to job and school considerations, we will not be able to move to Colorado Springs until August 1995. We would like to have time to determine the exact location for the well, and to select a well construction contractor. It is our understanding that the contractors in the area are quite busy in the summer and the fall.

We hope and expect to have the well completed by January or February of 1996. However, we are concerned that unavailability of well construction contractors and/or weather factors may slow us down. Therefore, we are asking for an extension of one year for this permit, in order to allow us ample time to complete the well.

Thank you for your consideration of this matter.

Sincerely,

Carol Albrecht

Carol and Richard Albrecht
225 May Street
Bishop, California 93514

PERMIT EXPIRATION DATE EXTENDED May 19, 1996

# Water Testing Results

## Adjacent Well (Pemit No. 68031-F) Lot 4, Block 1, Sunrise Meadow Filing No. 1, 8155 Poco Road

Colorado Analytical Laboratories, Inc.

Hazen Research Inc.

Colorado Analytical LABORATORIES, INC.

# Analytical Results

***TASK NO: 191217032***

**Report To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Bill To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Task No.:** 191217032
**Client PO:**
**Client Project:**

**Date Received:** 12/17/19
**Date Reported:** 12/27/19
**Matrix:** Water - Drinking

**Customer Sample ID** Poco Rd
**Sample Date/Time:** 12/17/19 9:00 AM
**Lab Number:** 191217032-01

| Test | Result | Method | ML | Date Analyzed | Analyzed By | MCL |
|---|---|---|---|---|---|---|
| Nitrate/ Nitrite Nitrogen | **0.65 mg/L** | Calculation | 0.05 mg/L | 12/17/19 | MAT | |
| Chloride | **3.4 mg/L** | EPA 300.0 | 0.1 mg/L | 12/17/19 | MAT | |
| Fluoride | **0.20 mg/L** | EPA 300.0 | 0.09 mg/L | 12/17/19 | MAT | 4 |
| Nitrate Nitrogen | **0.65 mg/L** | EPA 300.0 | 0.05 mg/L | 12/17/19 | MAT | 10 |
| Nitrite Nitrogen | **< 0.03 mg/L** | EPA 300.0 | 0.03 mg/L | 12/17/19 | MAT | 1 |
| Sulfate | **148.6 mg/L** | EPA 300.0 | 0.1 mg/L | 12/17/19 | MAT | |
| Cyanide-Total | **< 0.005 mg/L** | EPA 335.4 | 0.005 mg/L | 12/20/19 | CES | 0.02 |
| *Total* | | | | | | |
| Iron | **< 0.005 mg/L** | EPA 200.7 | 0.005 mg/L | 12/19/19 | MBN | 0.3 |
| Aluminum | **< 0.001 mg/L** | EPA 200.8 | 0.001 mg/L | 12/19/19 | IPC | 0.05 |
| Antimony | **< 0.0012 mg/L** | EPA 200.8 | 0.0012 mg/L | 12/19/19 | IPC | 0.006 |
| Arsenic | **< 0.0006 mg/L** | EPA 200.8 | 0.0006 mg/L | 12/19/19 | IPC | 0.01 |
| Barium | **0.0249 mg/L** | EPA 200.8 | 0.0007 mg/L | 12/19/19 | IPC | 2 |
| Beryllium | **0.0002 mg/L** | EPA 200.8 | 0.0001 mg/L | 12/19/19 | IPC | 0.004 |
| Cadmium | **< 0.0001 mg/L** | EPA 200.8 | 0.0001 mg/L | 12/19/19 | IPC | 0.005 |
| Chromium | **< 0.0015 mg/L** | EPA 200.8 | 0.0015 mg/L | 12/19/19 | IPC | 0.1 |
| Manganese | **0.0176 mg/L** | EPA 200.8 | 0.0008 mg/L | 12/19/19 | IPC | 0.05 |
| Mercury | **< 0.0000 mg/L** | EPA 200.8 | 0.0000 mg/L | 12/27/19 | JTF | 0.002 |
| Selenium | **0.0018 mg/L** | EPA 200.8 | 0.0008 mg/L | 12/19/19 | IPC | 0.05 |

***Abbreviations/ References:***

*ML = Minimum Level = LRL = RL*
*MCL = Maximum Contaminant Level per The EPA*
*mg/L = Milligrams Per Liter or PPM*
*ug/L = Micrograms Per Liter or PPB*
*mpn/100 mls = Most Probable Number Index/ 100 mls*
*Date Analyzed = Date Test Completed*

DATA APPROVED FOR RELEASE BY

Colorado Analytical LABORATORIES, INC.

# Analytical Results

***TASK NO: 191217032***

**Report To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Bill To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Task No.:** 191217032
**Client PO:**
**Client Project:**

**Date Received:** 12/17/19
**Date Reported:** 12/27/19
**Matrix:** Water - Drinking

**Customer Sample ID** Poco Rd
**Sample Date/Time:** 12/17/19 9:00 AM
**Lab Number:** 191217032-01

| Test | Result | Method | ML | Date Analyzed | Analyzed By | MCL |
|---|---|---|---|---|---|---|
| *Total* | | | | | | |
| Silver | **< 0.0001 mg/L** | EPA 200.8 | 0.0001 mg/L | 12/19/19 | IPC | |
| Thallium | **< 0.0002 mg/L** | EPA 200.8 | 0.0002 mg/L | 12/19/19 | IPC | 0.002 |
| Zinc | **0.041 mg/L** | EPA 200.8 | 0.001 mg/L | 12/19/19 | IPC | 5 |

***Abbreviations/ References:***

*ML = Minimum Level = LRL = RL*
*MCL = Maximum Contaminant Level per The EPA*
*mg/L = Milligrams Per Liter or PPM*
*ug/L = Micrograms Per Liter or PPB*
*mpn/100 mls = Most Probable Number Index/ 100 mls*
*Date Analyzed = Date Test Completed*

DATA APPROVED FOR RELEASE BY

# Drinking Water Chain of Custody

Colorado Analytical LABORATORIES, INC.

**Commerce City Lab**
10411 Heinz Way
Commerce City CO 80640

**Lakewood Service Center**
12860 W. Cedar Dr, Suite 100A
Lakewood CO 80228

Phone: 303-659-2313

www.coloradolab.com

| Report To Information | Bill To Information (If different from report to) | Project Information |
|---|---|---|
| Company Name: MVE. INC. | Company Name: | PWSID: |
| Contact Name: DAVE GORMAN | Contact Name: | System Name: |
| Address: 1903 LELARAY ST STE 200 | Address: | Compliance Samples: Yes ☐ No ☒ |
| City: COLO SPNGS State: CO Zip: 80909 | City: State: Zip: | Send Results to CDPHE: Yes ☐ No ☒ |
| Phone: 719-635-5736 | Phone: | Task Number (Lab Use Only) CAL Task No. 191217032 |
| Email: DAVEG@MVECIVIL.COM | Email: | |
| Sample Collector: THOMAS WENDLAND | | EMN |
| Sample Collector Phone: 719-635-5736 | PO Number: | |

**PHASE I, II, V Drinking Water Analyses (check requested analysis)**

**Subcontract Analyses**

| Date | Time | Client Sample ID / Sample Pt ID | No. of Containers | Residual Chlorine (mg/L) P/A Samples Only | Total Coliform P/A | 504.1 EDB/DBCP | 505 Pests/PCBs | 515.4 Herbicides | 524.2 VOCs | 525.2 SOCs-Pest | 531.1 Carbamates | 547 Glyphosate | 548.1 Endothall | 549.2 Diquat | 524.2 TTHMs | 552.2 HAA5s | Lead/Copper | Nitrate | Nitrite | Fluoride | Inorganics | Alk./Lang. Index (Circle) | TOC, DOC (Circle) | SUVA, UV 254 (Circle) | See Attached | Gross Alpha/Beta | Radium 226/228 | Radon | Uranium | Chloride |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12/17/19 | 0900 | Poco Rd | | | | | | | | | | | | | | | | | | | | | | | X | | | | |
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Page 3 of 3

**Instructions:** QBO19120032

C/S Info:

Delivered Via: Lab C/S Charge ☐

Seals Present Yes ☐ No ☒ Headspace Yes ☒ No ☐

Temp. 1.8 °C /ice ✓ Sample Pres. Yes ☒ No ☐

| Relinquished By: | Date/Time: | Received By: | Date/Time: | Relinquished By: | Date/Time: | Received By: | Date/Time: |
|---|---|---|---|---|---|---|---|
| | 12/17/19 1051 | | 12/17/19 1057 | | | | |

Colorado Analytical LABORATORIES, INC.

# Analytical Results

***TASK NO: 191217032***

**Report To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Bill To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Task No.:** 191217032
**Client PO:**
**Client Project:**

**Date Received:** 12/17/19
**Date Reported:** 12/27/19
**Matrix:** Water - Drinking

**Customer Sample ID** Poco Rd
**Sample Date/Time:** 12/17/19 9:00 AM
**Lab Number:** 191217032-01

| Test | Result | Method | ML | Date Analyzed | Analyzed By |
|---|---|---|---|---|---|
| Bicarbonate | **45.8 mg/L as CaCO3** | SM 2320-B | 0.1 | 12/19/19 | ERL |
| Calcium as CaCO3 | **144.9 mg/L** | EPA 200.7 | 0.1 | 12/19/19 | MBN |
| Carbonate | **< 0.1 mg/L as CaCO3** | SM 2320-B | 0.1 | 12/19/19 | ERL |
| Hydroxide | **< 0.1 mg/L as CaCO3** | SM 2320-B | 0.1 | 12/19/19 | ERL |
| Langelier Index | **-1.23 units** | SM 2330-B | | 12/23/19 | SAN |
| pH | **6.79 units** | SM 4500-H-B | 0.01 | 12/17/19 | MBN |
| Temperature | **20 °C** | SM 4500-H-B | 1 | 12/17/19 | MBN |
| Total Alkalinity | **45.8 mg/L as CaCO3** | SM 2320-B | 0.1 | 12/19/19 | ERL |
| Total Dissolved Solids | **324 mg/L** | SM 2540-C | 5 | 12/19/19 | ISG |

***Abbreviations/ References:***

*ML = Minimum Level = LRL = RL*
*mg/L = Milligrams Per Liter or PPM*
*ug/L = Micrograms Per Liter or PPB*
*mpn/100 mls = Most Probable Number Index/ 100 mls*
*Date Analyzed = Date Test Completed*

DATA APPROVED FOR RELEASE BY

# Drinking Water Chain of Custody

Colorado Analytical LABORATORIES, INC.

**Commerce City Lab**
10411 Heinz Way
Commerce City CO 80640

**Lakewood Service Center**
12860 W. Cedar Dr, Suite 100A
Lakewood CO 80228

Phone: 303-659-2313

www.coloradolab.com

| Report To Information | Bill To Information (If different from report to) | Project Information |
|---|---|---|
| Company Name: MVE, INC. | Company Name: | PWSID: |
| Contact Name: DAVE GORMAN | Contact Name: | System Name: |
| Address: 1903 LELARAY ST STE 200 | Address: | Compliance Samples: Yes ☐ No ☒ |
| City: COLO SPNGS State: CO Zip: 80909 | City: State: Zip: | Send Results to CDPHE: Yes ☐ No ☒ |
| Phone: 719-635-5736 | Phone: | Task Number (Lab Use Only) CAL Task No. 191217032 |
| Email: DAVEG@MVECIVIL.COM | Email: | EMN |
| Sample Collector: THOMAS WENDLAND | | |
| Sample Collector Phone: 719-635-5736 | PO Number: | |

| Date | Time | Client Sample ID / Sample Pt ID | No. of Containers | Residual Chlorine (mg/L) P/A Samples Only | PHASE I, II, V Drinking Water Analyses (check requested analysis) | | | | | | | | | | | | | | | | | | | | Subcontract Analyses | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Total Coliform P/A | 504.1 EDB/DBCP | 505 Pests/PCBs | 515.4 Herbicides | 524.2 VOCs | 525.2 SOCs-Pest | 531.1 Carbamates | 547 Glyphosate | 548.1 Endothall | 549.2 Diquat | 524.2 TTHMs | 552.2 HAA5s | Lead/Copper | Nitrate | Nitrite | Fluoride | Inorganics | Alk./Lang. Index (Circle) | TOC, DOC (Circle) | SUVA, UV 254 (Circle) | X See Attached | Gross Alpha/Beta | Radium 226/228 | Radon | Uranium | Chloride |
| 12/17/19 | 0900 | Poco Rd | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Page 2 of 2

**Instructions:** QBO19120032

C/S Info:

Delivered Via: Ind C/S Charge ☐

Seals Present Yes ☐ No ☒ Headspace Yes ☒ No ☐

Temp. 1.8 °C /Ice ✓ Sample Pres. Yes ☒ No ☐

| Relinquished By: | Date/Time: | Received By: | Date/Time: | Relinquished By: | Date/Time: | Received By: | Date/Time: |
|---|---|---|---|---|---|---|---|
| | 12/17/19 1051 | | 12/17/19 1057 | | | | |

Colorado Analytical LABORATORIES, INC.

# Analytical Results

***TASK NO: 191217032***

**Report To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Bill To:** David R Gorman, P.E.
**Company:** Monument Valley Engineers
1903 Lelaray St
Colorado Springs CO 80909

**Task No.:** 191217032
**Client PO:**
**Client Project:**

**Date Received:** 12/17/19
**Date Reported:** 12/27/19
**Matrix:** Water - Drinking

| Lab Number | Customer Sample ID | Sample Date/Time | Test | Result | Method | Date Analyzed |
|---|---|---|---|---|---|---|
| 191217032-01C | Poco Rd | 12/17/19 9:00 AM | Total Coliform | **Absent** | SM 9223 | 12/18/19 |
| | | | E-Coli | **Absent** | SM 9223 | 12/18/19 |

***Abbreviations/ References:***

*Absent = Coliform Not Detected*
*Present = Coliform Detected - Chlorination Recommended*
*Date Analyzed = Date Test Completed*
*SM = "Standard Methods for the Examination of Water and Wastewater"; APHA; 19th Edition; 1995*

DATA APPROVED FOR RELEASE BY

# Drinking Water Chain of Custody

Colorado Analytical LABORATORIES, INC.

**Commerce City Lab**
10411 Heinz Way
Commerce City CO 80640

**Lakewood Service Center**
12860 W. Cedar Dr, Suite 100A
Lakewood CO 80228

**Phone: 303-659-2313**

**www.coloradolab.com**

| Report To Information | Bill To Information (If different from report to) | Project Information |
|---|---|---|
| Company Name: MVE, INC. | Company Name: | PWSID: |
| Contact Name: DAVE GORMAN | Contact Name: | System Name: |
| Address: 1903 LELARAY ST STE 200 | Address: | Compliance Samples: Yes ☐ No ☒ |
| City: COLO SPNGS State: CO Zip: 80909 | City: State: Zip: | Send Results to CDPHE: Yes ☐ No ☒ |
| Phone: 719-635-5736 | Phone: | Task Number (Lab Use Only) CAL Task No. 191217032 |
| Email: DAVEG@MVECIVIL.COM | Email: | |
| Sample Collector: THOMAS WENDLAND | | EMN |
| Sample Collector Phone: 719-635-5736 | PO Number: | |

**PHASE I, II, V Drinking Water Analyses (check requested analysis)**

**Subcontract Analyses**

| Date | Time | Client Sample ID / Sample Pt ID | No. of Containers | Residual Chlorine (mg/L) P/A Samples Only | Total Coliform P/A | 504.1 EDB/DBCP | 505 Pests/PCBs | 515.4 Herbicides | 524.2 VOCs | 525.2 SOCs-Pest | 531.1 Carbamates | 547 Glyphosate | 548.1 Endothall | 549.2 Diquat | 524.2 TTHMs | 552.2 HAA5s | Lead/Copper | Nitrate | Nitrite | Fluoride | Inorganics | Alk./Lang. Index (Circle) | TOC, DOC (Circle) | SUVA, UV 254 (Circle) | X See Attached | Gross Alpha/Beta | Radium 226/228 | Radon | Uranium | Chlorite |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12/17/19 | 0900 | Poco Rd | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Page 2 of 2

**Instructions:** QBO19120032

C/S Info:

Delivered Via: Lab

C/S Charge ☐

Seals Present Yes ☐ No ☒ Headspace Yes ☒ No ☐

Temp. 1.8 °C /Ice ✓ Sample Pres. Yes ☒ No ☐

| Relinquished By: | Date/Time: | Received By: | Date/Time: | Relinquished By: | Date/Time: | Received By: | Date/Time: |
|---|---|---|---|---|---|---|---|
| | 12/17/19 1051 | | 12/17/19 1051 | | | | |

Hazen Research, Inc.
4601 Indiana Street
Golden, CO 80403 USA
Tel: (303) 279-4501
Fax: (303) 278-1528

Lab Control ID: 19M03598
Received: Dec 18, 2019
Reported: Mar 04, 2020
Purchase Order No.
None Received

Customer ID: 20040H
Account ID: Z01034

Stuart Nielson
Colorado Analytical Laboratories, Inc.
10411 Heinz Way
Commerce City, CO 80640

# ANALYTICAL REPORT

*Report may only be copied in its entirety.*
*Results reported herein relate only to discrete samples submitted by the client. Hazen Research, Inc. does not warrant that the results are representative of anything other than the samples that were received in the laboratory*

By: Lynnea Rockwell for
Jessica Axen
Analytical Laboratories Director

Hazen Research, Inc.
4601 Indiana Street
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Purchase Order No.
None Received

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# ANALYTICAL REPORT

Stuart Nielson
Colorado Analytical Laboratories, Inc.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Lab Sample ID** | | | 19M03598-001 | | | | | |
| **Customer Sample ID** | | | **191217040-01** - Poco Rd sampled on 12/17/19 @ 0900 | | | | | |
| **Parameter** | **Units** | **Code** | Result | Precision* +/- | Detection Limit | Method | Analysis Date / Time | Analyst |
| **Gross Alpha** | **pCi/L** | **T** | 0.4 | 2.2 | 0.1 | SM 7110 B | 12/30/19 @ 0810 | SS |
| **Gross Beta** | **pCi/L** | **T** | 4.6 | 2.6 | 3.5 | SM 7110 B | 12/30/19 @ 0810 | SS |
| **Radium-226** | **pCi/L** | **T** | NR | - | - | SM 7500-Ra B | - | - |
| **Radium-228** | **pCi/L** | **T** | NR | - | - | EPA Ra-05 | - | - |

NR - Not Requested - Analysis not requested on this sample.

Certification ID's: CO/EPA CO00008; CT PH-0152; KS E-10265; NJ CO008; NYSELAP (NELAC Certified) 11417; RI LAO00284; WI 998376610, TX T104704256-15-6

*Variability of the radioactive decay process (counting error) at the 95% confidence level, 1.96 sigma.

Codes: (T) = Total (D) = Dissolved (S) = Suspended (R) = Total Residual (AR) = As Received < = Less Than

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Lab Control ID: 19M03598
Received: Dec 18, 2019
Reported: Mar 04, 2020
Purchase Order No.
None Received

Customer ID: 20040H
Account ID: Z01034

# ANALYTICAL REPORT

Stuart Nielson
Colorado Analytical Laboratories, Inc.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Lab Sample ID** | 19M03598-002 | | | | | | | |
| **Customer Sample ID** | **191217040-01A** - Poco Rd sampled on 12/17/19 @ 0900 | | | | | | | |
| **Parameter** | **Units** | **Code** | Result | Precision* +/- | Detection Limit | Method | Analysis Date / Time | Analyst |
| **Gross Alpha** | **pCi/L** | **T** | NR | - | - | SM 7110 B | - | - |
| **Gross Beta** | **pCi/L** | **T** | NR | - | - | SM 7110 B | - | - |
| **Radium-226** | **pCi/L** | **T** | 0.2 | 0.2 | 0.1 | SM 7500-Ra B | 2/10/20 @ 0855 | SA |
| **Radium-228** | **pCi/L** | **T** | 1.4 | 0.8 | 0.2 | EPA Ra-05 | 2/26/20 @ 0720 | JR/AN |

NR - Not Requested - Analysis not requested on this sample.

Certification ID's: CO/EPA CO00008; CT PH-0152; KS E-10265; NJ CO008; NYSELAP (NELAC Certified) 11417; RI LAO00284; WI 998376610, TX T104704256-15-6

*Variability of the radioactive decay process (counting error) at the 95% confidence level, 1.96 sigma.

Codes: (T) = Total (D) = Dissolved (S) = Suspended (R) = Total Residual (AR) = As Received < = Less Than

**HAZEN RESEARCH, INC.**
**RADIOCHEMISTRY LABORATORY** Date: 12/30/2019

**Batch QC Summary Form**

Analyte: Gross Alpha

Control Standard/LFB: ID: C-11 pCi/mL: 57.4 (use 1 diluted)

Spike Solution: ID: C-11 pCi/mL: 57.4 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(47.7)\ (1.000) - (0.0)\ (0.200)}{57.4} \times 100 = 83\%$$

Batch QC Evaluation:

| Parameter | Criteria | Pass | Fail | N/A |
|---|---|---|---|---|
| | | | | |
| Control Std./LFB | +/- 30 % | x | | |
| Spike Recovery | 70 - 130 % | x | | |
| Blank | < or = 3 x Uncertainty | x | | |
| Duplicate 1 | 95% confidence interval overlap | x | | |
| Duplicate 2 * | 95% confidence interval overlap | | | x |

* Required for batch size greater than 10 samples.

Conclusions:

x Batch QC Passes**
_____ Batch QC Fails
_____ Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluted in this report.

Batch Listing by Lab Control Number:

| | |
|---|---|
| 19M03570 | |
| 19M03597 | |
| 19M03598 | |
| 19M03599 | |
| 19M03605 | |
| 19M03602 | |
| 19M03603 | |
| 19M03604 | |
| | |
| | |

Evaluator: Lynnea Rockwell

01/02/2020
Date

**HAZEN RESEARCH, INC.**
**RADIOCHEMISTRY LABORATORY** Date: 12/30/2019

**Batch QC Summary Form**

Analyte: Gross Beta

Control Standard/LFB: ID: C-11 pCi/mL: 44 (use 1 diluted)

Spike Solution: ID: C-11 pCi/mL: 44 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(37.6)\ (1.000) - (0.0)\ (0.200)}{44} \times 100 = 85\%$$

Batch QC Evaluation:

| Parameter | Criteria | Pass | Fail | N/A |
|---|---|---|---|---|
| | | | | |
| Control Std./LFB | +/- 20 % | x | | |
| Spike Recovery | 80 - 120 % | x | | |
| Blank | < or = 3 x Uncertainty | x | | |
| Duplicate 1 | 95% confidence interval overlap | x | | |
| Duplicate 2 * | 95% confidence interval overlap | | | x |

* Required for batch size greater than 10 samples.

Conclusions:

x Batch QC Passes**
_____ Batch QC Fails
_____ Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluted in this report.

Batch Listing by Lab Control Number:

| | |
|---|---|
| 19M03570 | |
| 19M03597 | |
| 19M03598 | |
| 19M03599 | |
| 19M03605 | |
| 19M03602 | |
| 19M03603 | |
| 19M03604 | |
| | |
| | |

Evaluator: Lynnea Rockwell

01/02/2020
Date

**HAZEN RESEARCH, INC.**
**RADIOCHEMISTRY LABORATORY** Date: 02/11/2020

**Batch QC Summary Form**

Analyte: Radium-226

Control Standard/LFB: ID: NBL-6A pCi/mL: 23 (use 2 diluted)

Spike Solution: ID: NBL-6A pCi/mL: 23 (use 2 mL)

Spike Recovery Calculation: Sample: 19M03585-001a

$$\text{Calculation: } \frac{(46.5)\ (1.000) - (0.3)\ (1.000)}{46} \times 100 = 100\%$$

Batch QC Evaluation:

| Parameter | Criteria | Pass | Fail | N/A |
|---|---|---|---|---|
| | | | | |
| Control Std./LFB | +/- 20 % | x | | |
| Spike Recovery | 80 - 120 % | x | | |
| Blank | < or = 3 x Uncertainty | x | | |
| Duplicate 1 | 95% confidence interval overlap | x | | |
| Duplicate 2 * | 95% confidence interval overlap | x | | |

* Required for batch size greater than 10 samples.

Conclusions:

x Batch QC Passes**
_____ Batch QC Fails
_____ Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluted in this report.

Batch Listing by Lab Control Number:

| | |
|---|---|
| 19M03585 | 19M03602 |
| 19M03586 | 19M03603 |
| 19M03587 | 19M03611 |
| 19M03588 | 19M03613 |
| 19M03589 | 20M01046 |
| 19M03590 | 19M03604 |
| 19M03596 | 19M03605 |
| 19M03597 | 19M03609 |
| 19M03598 | 19M03612 |
| 19M03599 | |

Evaluator: Lynnea Rockwell

02/14/2020
Date

**HAZEN RESEARCH, INC.**
**RADIOCHEMISTRY LABORATORY** Date: 02/26/2020

**Batch QC Summary Form**

Analyte: Radium-228

Control Standard/LFB: ID: NBL-7A pCi/mL: 13.2 (use 10 diluted)

Spike Solution: ID: NBL-7A pCi/mL: 13.2 (use 10 mL)

Spike Recovery Calculation: Sample: 19M03596-001b

$$\text{Calculation: } \frac{(138.6)\ (1.000) - (1.8)\ (1.000)}{132} \times 100 = 104\%$$

Batch QC Evaluation:

| Parameter | Criteria | Pass | Fail | N/A |
|---|---|---|---|---|
| | | | | |
| Control Std./LFB | +/- 20 % | x | | |
| Spike Recovery | 80 - 120 % | x | | |
| Blank | < or = 3 x Uncertainty | x | | |
| Duplicate 1 | 95% confidence interval overlap | x | | |
| Duplicate 2 * | 95% confidence interval overlap | | | x |

* Required for batch size greater than 10 samples.

Conclusions:

x Batch QC Passes**
_____ Batch QC Fails
_____ Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluted in this report.

Batch Listing by Lab Control Number:

| | |
|---|---|
| 19M03596 | |
| 19M03597 | |
| 19M03598 | |
| 19M03599 | |
| 19M03602 | |
| 19M03603 | |
| 20M01388 | |
| | |
| | |
| | |

Evaluator: Lynnea Rockwell

03/02/2020
Date

# Drinking Water Chain of Custody

19m03598

Colorado Analytical LABORATORIES, INC.

**Commerce City Lab**
**10411 Heinz Way**
**Commerce City CO 80640**

**Lakewood Service Center**
**12860 W. Cedar Dr, Suite 100A**
**Lakewood CO 80228**

**Phone: 303-659-2313**

**www.coloradolab.com**

| **Report To Information** | **Bill To Information** (If different from report to) | **Project Information** |
|---|---|---|
| **Company Name:** Colorado Analytical Lab | **Company Name:** | **PWSID:** |
| **Contact Name:** Stuart Nielson | **Contact Name:** | **System Name:** 191217040 |
| **Address:** 10411 Heinz Way<br>**City:** Commerce City **State:** CO **Zip:** 80460 | **Address:**<br>**City:** **State:** **Zip:** | **Compliance Samples:** Yes ☐ No ☒<br>**Send Results to CDPHE:** Yes ☐ No ☒ |
| **Phone:** 303-659-2313 | **Phone:** | **Task Number** (Lab Use Only) **CAL Task No.** 191217040 |
| **Email:** stuartnielson@coloradolab.com | **Email:** | |
| **Sample Collector:** | | EMN |
| **Sample Collector Phone:** | **PO Number:** | |

| Date | Time | Client Sample ID / Sample Pt ID | No. of Containers | Residual Chlorine (mg/L) P/A Samples Only | Total Coliform P/A | 504.1 EDB/DBCP | 505 Pests/PCBs | 515.4 Herbicides | 524.2 VOCs | 525.2 SOCs-Pest | 531.1 Carbamates | 547 Glyphosate | 548.1 Endothall | 549.2 Diquat | 524.2 TTHMs | 552.2 HAA5s | Lead/Copper | Nitrate | Nitrite | Fluoride | Inorganics | Alk./Lang. Index (Circle) | TOC, DOC (Circle) | SUVA, UV 254 (Circle) | | Gross Alpha/Beta | Radium 226/228 | Radon | Uranium | Chlorite |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | PHASE I, II, V Drinking Water Analyses (check requested analysis) | | | | | | | | | | | | | | | | | | | | | Subcontract Analyses | | | | | |
| 12/17/19 | 0900 | 191217040-01 Poco Rd | 1 | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ |
| 12/17/19 | 0900 | 191217040-01A Poco Rd | 3 | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |

**Instructions:**

C/S Info:

Delivered Via: FedEx SD C/S Charge ☐

Seals Present Yes ☐ No ☐ Headspace Yes ☐ No ☐

Temp. 7 °C /Ice Sample Pres. Yes ☒ No ☐

| **Relinquished By:** | **Date/Time:** | **Received By:** | **Date/Time:** | **Relinquished By:** | **Date/Time:** | **Received By:** | **Date/Time:** |
|---|---|---|---|---|---|---|---|
| Alice Mulan | 12/18/19 1100 | | 12-18-19/1305 | | | | |