

NABULSI-ABUSHABAN Minor Subdivision

WATER RESOURCES REPORT

**For
Nabulsi-Abushaban Minor
Subdivision**

August 25, 2023

Prepared By:



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

Executive Summary:

Water Resources Report – Nabulsi-Abushaban Minor Subdivision

Chris D. Cummins of Monson, Cummins, Shohet & Farr, LLC, on behalf of the Applicant, the Nabulsi-Abushaban Family Trust, (“Owners”), provides the following Water Resources/Wastewater Disposal Report in support of the Nabulsi-Abushaban Minor Subdivision. The undersigned has been practicing water law almost exclusively, for 20 years, and has substantial experience with Denver Basin groundwater resources, augmentation plans, designated basin replacement plans, subdivision proceedings, and rural 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 and dependability, of the water rights and resources to be utilized in the proposed Nabulsi-Abushaban Minor Subdivision (the “Subdivision”), in the Black Forest in El Paso County, Colorado.

The Property consists of approximately 25 acres located at the current street address of 10650 Black Forest Road, Colorado Springs, CO 80908 located in the SE¼ SE¼ of Section 19, Township 12 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado. The four residential lots in the Subdivision are to be provided water and sewer/septic services through on-site individual wells and Individual Septic Disposal Systems (“ISDS”). The proposed minor subdivision includes four residential lots. Lot 3 has an existing residence and will be approximately 9.287 acres, while Lots 1, 2 and 4, which are currently unimproved land, will be approximately 5 acres in size.

It is expected that each of the residential homes on each residential lot in the Subdivision will require an average of 0.26 annual acre-feet of water supply, for a total of 1.04 annual acre-feet for in-house uses with additional amounts for use on each of the lots for a total of 2.28 acre-feet for all lots annually, to be provided through four individual wells to the not-nontributary Dawson aquifer, consistent with the decree in Case No. 22CW3020, as issued by the Water Court, Division 2, on April 20, 2023 confirming the Ruling of Referee issued on March 24, 2023 (“Decree” or “Augmentation Plan”). The Decree provides for a 300-year water supply for the residential lots within the Subdivision, with each residential lot utilizing ISDS of a non-evaporative nature.

The water resources to be utilized on the residential lots in the Subdivision are typical of rural residential development in the Black Forest in El Paso County, Colorado. Case No. 22CW3020 and associated Augmentation Plan decreed by the Water Court, Division 2, 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.

I. INTRODUCTION

The purpose of this report is to provide a preliminary outline of the water resources, and associated wastewater requirements, necessary for approval of the Nabulsi-Abushaban Minor Subdivision, as proposed.

1.1 New Development Description: The Subdivision consists of approximately 25 acres 10650 Black Forest Road, Colorado Springs, CO 80908 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 12 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado. The Property will be subdivided into four lots. **Exhibit A**, attached hereto, is a plat for the Subdivision as proposed, prepared by Land Development Consultants, including an area/vicinity map.

II. PROJECTION OF WATER NEEDS

2.1 Analysis of Water Demands: It is expected that the four residential lots in the Subdivision will utilize four individual wells drilled to the Dawson aquifer to be used for domestic-type uses, including in-house, landscape/irrigation of lawn, and garden, and watering of domestic animals and stock. Existing wells with current Permit Nos. 85841-A, 137196, and 23585 (to be re-permitted as non-exempt wells in accordance with the Augmentation Plan) will provide water supply to three of the lots (one well per lot), while the fourth to-be constructed non-exempt well will serve the fourth lot. It is anticipated that each of the lots will utilize a maximum total of 0.57 acre-feet of water, with 0.26 acre-feet to be used in-house, consistent with Section 8.4.7(B)(7)(d)., and the remaining amount of 0.31 acre-feet per lot will be allocated for other approved uses under the augmentation plan.

All three existing wells, permitted under Permit Nos. 85841-A, 137196, and 23585 are constructed to and will produce from the not-nontributary Dawson aquifer at a flow rate of 10 to 15 gallons per minute, based upon past production. Based on past experience with the numerous Dawson aquifer wells serving rural residential properties throughout El Paso County, this rate of production should be more than sufficient to meet demand for in-house use.

III. PROPOSED WATER RIGHTS AND FACILITIES

3.1 Water Rights: An Augmentation Plan for utilizing the underlying Dawson aquifer was decreed by the Water Court, Division 2, in Case No. 22CW3020 on April 20, 2023. A copy of the recorded Decree is attached hereto as **Exhibit B**. The Decree vested the following specific quantities of water:

AQUIFER	Saturated Thickness (ft)	Total Water Adjudicated (Acre Feet)	Annual Average Withdrawal – 300 Years (Acre Feet)¹
Dawson (NNT)	190	950	3.2
Denver (NNT)	293	1245	4.2
Arapahoe (NNT)	268	1140	3.8
Laramie Fox Hills (NT)	190	712	2.4

All depletions are augmented in time, place, and amount through septic return flows during pumping. Post-pumping depletions will be replaced by reserved water in the Laramie-Fox Hills aquifer. 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 three existing not-nontributary Dawson aquifer formation wells and one to-be-constructed not-nontributary Dawson aquifer formation well. Consistent with El Paso County Land Development Code Section 8.4.7(B)(3)(c)(v), a minor subdivision utilizing individual wells need not make a further showing as to source of supply.

3.3 Pumping Rates for Service: The Dawson aquifer in the location of the Subdivision is generally known to produce approximately 10-15 gallons per minute, more than sufficient for single family residential and accessory uses, and such production is consistent with the historical use of Permit Nos. 85841-A, 137196, and 23585. A copy of the well permit file from the Division of Water Resources for Permit Nos. 85841-A, 137196, and 23585 are attached hereto as **Exhibit C**. Such flow rates are typical of individual wells on subdivisions within the area in the Black Forest, including typical for firefighting purposes.

IV. WASTEWATER AND WASTEWATER TREATMENT – While soils, geology and geotechnical analysis has been 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 approved Augmentation Plan.

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 180 gallons per day per single-family residence. Maximum daily wastewater loads are expected to be roughly 210 gallons per day per single-family residence, assuming residential in-house use at the 0.26 acre-feet per year rate described in the approved Augmentation Plan.

¹ All four 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. The 100-year annual average withdrawals are 11.57, 9.59, 6.43, and 4.18 acre-feet, respectively.

4.2 On-Site Wastewater Treatment Systems: The four residential lots within the Subdivision will be served by individual on-site wastewater treatment systems. There is an existing and approved on-site wastewater treatment system on one lot, and the other three will be constructed to the other residential lots upon approval of the Subdivision. Based on such historical use, the site is suitable for on-site wastewater treatment system/ISDS. The 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 25th day of August, 2023.

MONSON, CUMMINS, SHOHET & FARR, LLC

/s/ Chris D. Cummins

Chris D. Cummins

Exhibits:

- A – Location Map/Plat of Property
- B – Decree
- C – Existing Well Permit Files

NABULSI-ABUSHABAN SUBDIVISION

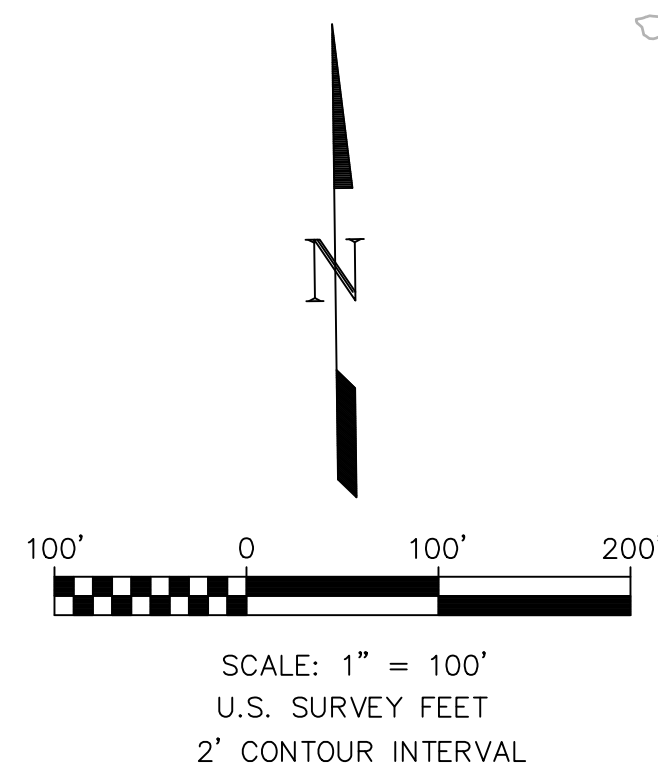
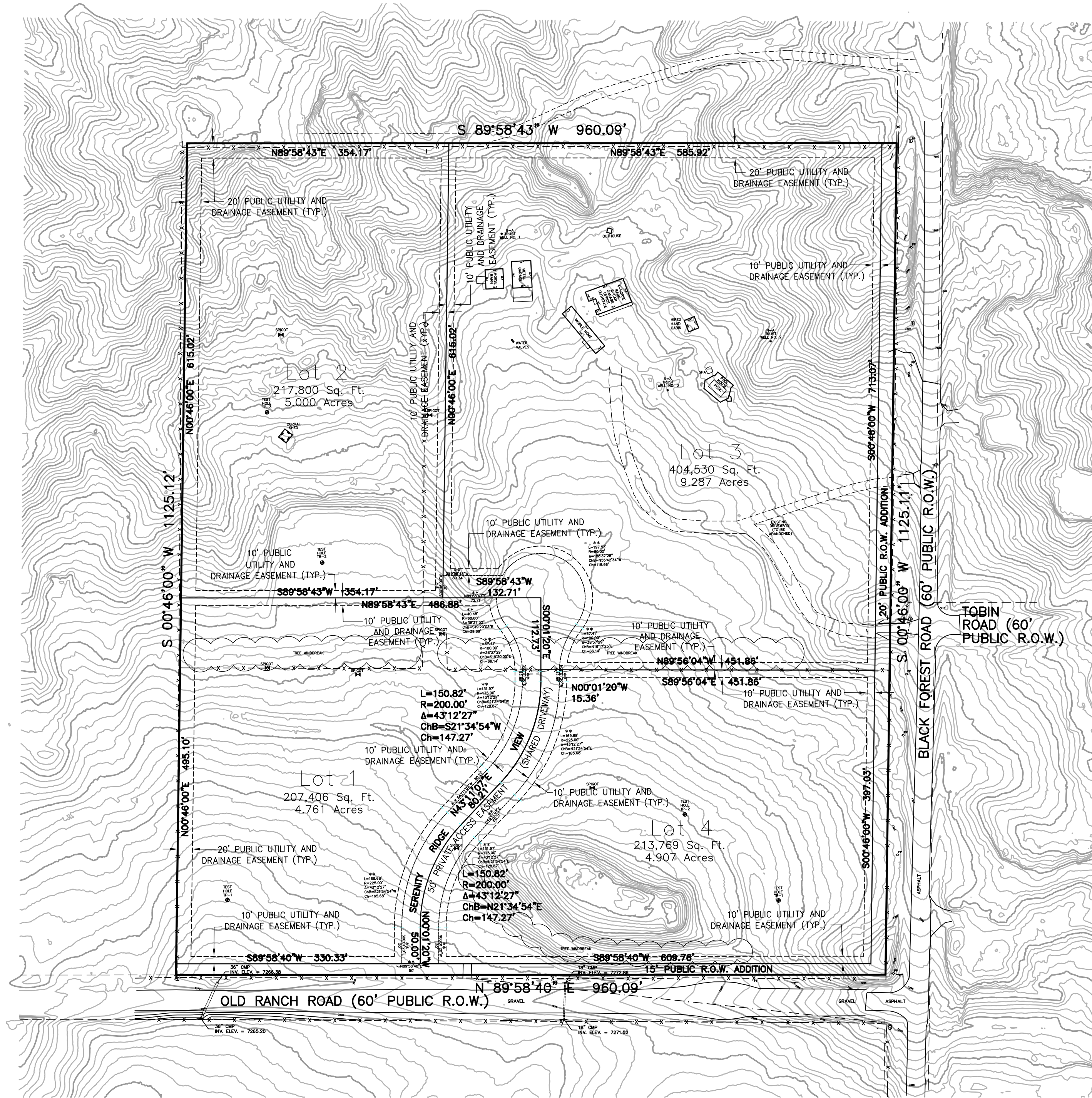
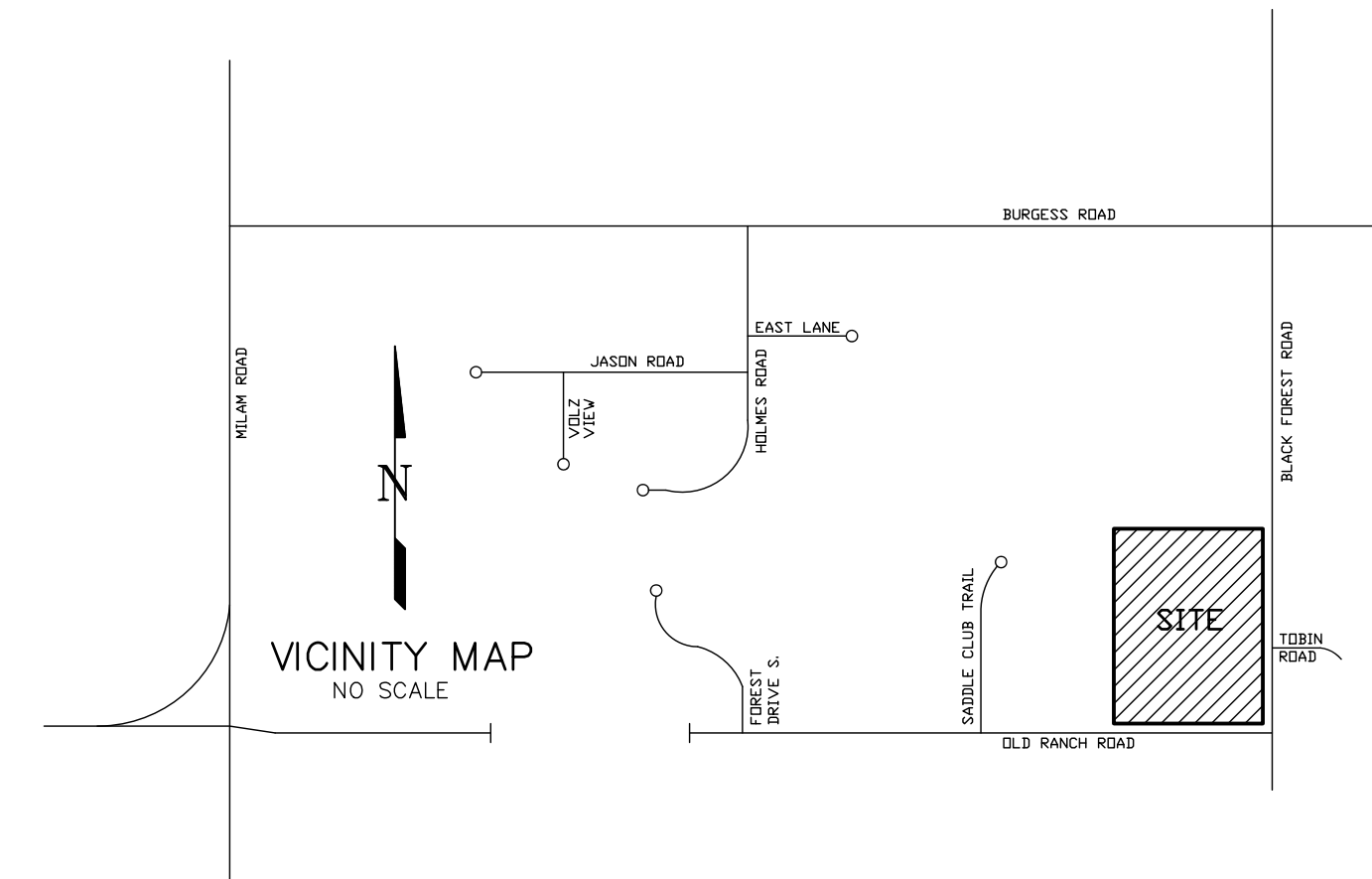
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO
"PRELIMINARY PLAN"

PROPERTY DESCRIPTION:

That NABULSI-ABUSHABAN FAMILY TRUST, being the owner of the following described tract of land to wit:

The East 990 feet of the South 1155 feet of the Southeast Quarter of Section 19 in Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, EXCEPT the South 30 feet and the East 30 feet thereof;

Containing 24.796 "net" acres, more or less.



LEGEND:

- Indicates survey monument set with #4 rebar and red plastic cap, PLS No. 20681 flush w/ground, except where noted otherwise
- Indicates survey monument found as noted
- Property Line — Lot Line
- * — Indicates not a part of this subdivision
- ** — Indicates Private Access Easement (Shared Driveway) data

NOTES:

- 1.
2. All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
3. Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts from the Private Access Easement (Shared Driveway) per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3 where applicable. Due to their length, some of the driveways will need to be specifically approved by the Black Forest Fire Protection District.
4. No driveway shall be established unless an access permit has been granted by El Paso County. Driveway culverts within the indicated Private Access Easement must be installed prior to building permit authorization for all lots within the subdivision.
5. Each individual property owner is responsible for the construction and operation of a non-evaporative wastewater disposal system approved by the El Paso County Health Department. The Health Department may require a specially designed, or "engineered", system prior to permit approval. Engineered systems may cost more to design, install and maintain than systems which are not engineered.
6. Each individual property owner is responsible for the maintenance of existing and/or construction and operation of a well as permitted by the Colorado Division of Water Resources.
7. Fire protection to be provided by the BLACK FOREST FIRE PROTECTION DISTRICT.
8. Public and/or Private Utility Easements are as shown hereon. All exterior subdivision boundaries shall have a twenty foot Public Utility and Drainage Easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
9. All property owners are responsible for maintaining proper storm water drainage in and through their property. Any public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
10. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and/or the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species, if applicable.
11. Please be aware that any additional improvements may interfere with Abert's Squirrel, Black Bear, Elk, Mountain Lion, and Mule Deer habitat (species of concern to the State of Colorado) during and/or following construction. Information regarding wildlife protection measures should be provided to construction personnel and future residents, including fencing requirements, garbage containment, pets, enhancement/maintenance of natural vegetation, weed control and riparian/wetland protection/buffer zones as appropriate. Information can be obtained from the Colorado Division of Wildlife.
12. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
13. All property within this subdivision is subject to Road Impact Fees in accordance with the El Paso County Road Impact Fee Program, at or prior to building permit issuance.
14. All property within this subdivision is subject to Reciprocal Access Agreement for the 50' Private Access Easement to be recorded in the records of the El Paso County, Colorado Clerk and Recorder's office by separate document.
15. Electric service is to be provided by MOUNTAIN VIEW ELECTRIC ASSOCIATION.
16. Gas service is to be provided by BLACK HILLS ENERGY and/or individual propane tanks.

OWNER INFORMATION:

NABULSI-ABUSHABAN FAMILY TRUST
14384 Whispering Ridge Road
San Diego, CA 92131-4268
Phone: (858) 245-4927

PRELIMINARY COPY
SUBJECT TO FINAL
COUNTY APPROVAL

According to Colorado law, you must commence any survey within three years after you have possession of the land in no event, more than one year after the date of the certification shown hereon.

CALL BEFORE YOU DIG
811
DIAL 811
48 HOURS BEFORE YOU DIG. CALL UTILITY LOCATORS FOR LOCATING AND MARKING GAS, ELECTRIC, WATER AND WASTEWATER

No.	REVISIONS	Date
1	DATA CLARIFICATION	11/21/23

By	DVH
Checked By	DVH
Date	03/06/23

Land Development Consultants, Inc.
PLANNING · SURVEYING
www ldc inc com · TEL: (719) 528-6133 · FAX: (719) 528-8548
3888 MAZELAND ROAD · COLORADO SPRINGS, CO 80909

"PRELIMINARY PLAN"
NABULSI-ABUSHABAN
SUBDIVISION

Project No.: 22005
Sheet: 1 of 1

DSD FILE NO.: _____

<p>DISTRICT COURT, WATER DIVISION 2, COLORADO</p> <p>Court Address: 501 North Elizabeth Street, Suite 116 Pueblo, CO 81003</p> <p>Phone Number: (719) 404-8832</p>	<p>DATE FILED: April 20, 2023 8:29 AM CASE NUMBER: 2022CW3020</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</p> <p>NABULSI-ABUSHABAN FAMILY TRUST</p> <p>IN EL PASO COUNTY</p>	<p>Case No.: 22CW3020 (consolidated with Division 1 Case No. 22CW3036 pursuant to Order of Panel on Multi-District Litigation 22MDL12)</p>
<p style="text-align: center;">FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE: ADJUDICATING DENVER BASIN GROUNDWATER AND APPROVING PLAN FOR AUGMENTATION</p>	

THIS MATTER comes before the Water Court on the Application filed by the Nabulsi-Abushaban Family Trust on March 31, 2022. Having reviewed said application and other pleadings on file, and being fully advised on this matter, the Water Court makes the following findings and orders:

FINDINGS OF FACT

1. The applicant in this case is the Nabulsi-Abushaban Family Trust c/o Taher Nabulsi, whose address is 14384 Whispering Ridge Rd., San Diego, CA 92131 ("Applicant"). Applicant is the owner of the land totaling approximately 25 acres on which the structures sought to be adjudicated and augmented herein are and will be located, and under which lies the Denver Basin groundwater described in this decree, and is the owner of the place of use where the water will be put to beneficial use, except for any potential off-property uses as described in Paragraph 19.

2. The Applicant filed this Application with the Water Courts for both Water Divisions 1 and 2 on March 31, 2022. The Applications were referred to the Water Referees in both Divisions 1 and 2 on or about the same day.

3. The time for filing statements of opposition to the Application expired on the last day of May 2022. A statement of opposition was timely filed by Kettle Creek, LLC on May 31, 2022.

4. A Motion for Consolidation of the Division 1 and Division 2 cases into Water Division 2 was filed with the Colorado Supreme Court on June 9, 2022. The Panel on Consolidated Multidistrict Litigation certified the Motion for Consolidation to the Chief Justice on June 14, 2022. Chief Justice, Brian D. Boatright, granted the Motion for Consolidation by Order dated July 12, 2022.

5. In accordance with the notice requirements of C.R.S. § 37-92-302, a Notice of No Lienholder for the Applicant's property was filed with the Court on March 31, 2022.

6. On March 31, 2022, the Division 1 Water Court, on Motion from Applicant, ordered that consolidated publication be made by only Division 2. On April 5, 2022, the Water Court, Division 2 ordered that publication occur in *The Gazette* within El Paso County.

7. 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 April 27, 2022, proof of publication in *The Gazette* was filed with Water Court, Division 2. All notices of the Application have been given in the manner required by law.

8. On March 13, 2023 a stipulation between the Applicant and Kettle Creek, LLC was filed with the Division 2 Water Court. By Order dated March 14, 2023 the Division 2 Water Court approved such stipulation.

9. Pursuant to C.R.S. §37-92-302(2), the Office of the State Engineer has filed Determination of Facts for each Denver Basin aquifer with this Court on June 14, 2022, which have been considered by the Water Court in the entry of this decree.

10. Pursuant to C.R.S. §37-92-302(4), the Office of the Division Engineer for Water Division No. 2 filed its Summary of Consultation Report dated July 18, 2022, and pursuant to Order of the Court dated July 26, 2022, a response to the Summary of Consultation Report was filed by the Applicant on August 26, 2022. The Summary of Consultation Report and Response have been considered by the Water Court in the entry of this decree.

11. 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

12. The Application requested quantification and adjudication of a vested underground water right from the Dawson aquifer underlying the Applicant's property, as described herein, and use of N-A Trust Well Nos. 1 through 4, as currently existing and

as may be constructed to the Dawson aquifer, and any additional or replacement wells associated therewith, for withdrawal of a portion of Applicant’s full entitlement of supply from the Dawson aquifer under the plan for augmentation decreed herein. Applicant also requested quantification and adjudication of vested underground water rights and uses from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s property. The following findings are made with respect to such underground water rights and use of N-A Trust Well Nos. 1 through 4:

13. The land overlying the groundwater subject to the adjudication in this case is owned by the Applicant and consists of approximately 25-acres located in the SE¼ SE¼ of Section 19, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, also known as 10650 Black Forest Rd., Colorado Springs, CO 80908 (“Applicant’s Property”). Applicant intends to subdivide the property into up to four (4) lots. All groundwater adjudicated herein shall be withdrawn from the overlying land.

14. N-A Trust Well Nos. 1 through 4: N-A Trust Well Nos. 1 through 4 will be located on the Applicant’s Property. The N-A Trust Well Nos. 1 through 3 are currently permitted and constructed as exempt wells pursuant to C.R.S. §37-92-602 under Well Permit Nos. 85841-A, 137196, and 23585, respectively, and are located as shown on **Exhibit A** to this decree. Applicant is awarded the vested right to use N-A Trust Well Nos. 1 through 4, 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. Upon entry of this decree and submittal by the Applicant of complete well permit applications and filing fees, the State Engineer shall issue revised permits for the existing N-A Trust Well Nos. 1 through 3, and a new permit for the N-A Trust Well No. 4, pursuant to C.R.S. §37-90-137(4), consistent with and referencing the plan for augmentation decreed herein.

15. 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, Denver, and Arapahoe aquifers underlying the Applicant’s Property contain not-nontributary groundwater, while the water of the Laramie-Fox Hills aquifer underlying the Applicant’s Property is nontributary. 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)	Annual Average Withdrawal 100 Years (Acre Feet)	Annual Average Withdrawal 300 Years (Acre Feet)	Total Withdrawal (Acre Feet)
Dawson (NNT)	190	9.5	3.2	950 ¹
Denver (NNT)	293	12.45	4.2	1,245
Arapahoe (NNT)	268	11.4	3.8	1,140

¹ Should the three existing well permits not be cancelled and re-permitted, then this amount will be reduced by 100 acre-feet to 850 acre-feet in accordance with the Determination of Facts for the Dawson aquifer filed by the State Engineer’s Office on June 14, 2022.

Laramie-Fox Hills (NT)	190	7.13	2.4	713
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16. Pursuant to C.R.S. §37-90-137(9)(c.5)(I), the augmentation requirements for wells in the Dawson, Denver, and Arapahoe aquifers require the replacement to the affected stream systems of actual stream depletions on an annual basis. Applicant shall not be entitled to construct a well or use water from the not-nontributary Dawson, Denver, or Arapahoe aquifers except pursuant to an approved augmentation plan in accordance with C.R.S. §37-90-137(9)(c.5), including as decreed herein as concerns the pumping of N-A Trust Well Nos. 1 through 4 from the Dawson aquifer.

17. Subject to the augmentation requirements described in Paragraphs 16 and 22 and the other requirements and limitations in this decree, 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 provided withdrawals during such longer period are in compliance with the total amounts available to Applicant as decreed herein and the augmentation requirements of this decree. This decree describes a pumping period of 300-years as to pumping from the Dawson aquifer, as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1). The average annual amounts of ground water available for withdrawal from the underlying Denver Basin aquifers, based upon the 100-year and 300-year aquifer life calculations, are determined and set forth in Paragraph 15, above, based upon the June 14, 2022, Office of the State Engineer Determination of Facts described in Paragraph 9.

18. 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 each of the aquifers 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 average annual volume of water which Applicant is entitled to withdraw from each of the aquifers 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.

19. Subject to the terms and conditions in the plan for augmentation decreed herein 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 ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes 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 may be used, reused, and successively used to extinction, both on and off the Applicant's

Property subject, however, to the limitations imposed on the use of the Laramie-Fox Hills aquifer groundwater by this decree and the requirement under C.R.S. §37-90-137(9)(b) that no more than 98% of the amount withdrawn annually shall be consumed. 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, Denver, and Arapahoe aquifers pursuant to a decreed augmentation plan entered by the Court, including that plan for augmentation decreed herein for the Dawson aquifer.

20. Applicant has waived the 600-foot well spacing requirement for wells to be constructed upon the Applicant's Property. Pumping from N-A Trust Well Nos. 1 through 4 and any additional or replacement wells for those wells, or wells constructed into the Denver, Arapahoe, and Laramie-Fox Hills aquifers, will not exceed 100 g.p.m., though actual pumping rates for these wells will vary according to aquifer conditions and well production capabilities. The Applicant may withdraw groundwater from the N-A Trust Well Nos. 1 through 4 and any additional or replacement wells for those wells, or from wells constructed into the Denver, Arapahoe, and Laramie-Fox Hills aquifers, at rates of flow necessary to withdraw the entire amounts decreed herein. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions.

21. Withdrawals of groundwater available from the nontributary Laramie-Fox Hills aquifer beneath the Applicant's Property in the amount determined in accordance with the provisions of this decree will not result in injury to any other vested water rights or to any other owners or users of water.

PLAN FOR AUGMENTATION

22. The structures to be augmented are the N-A Trust Well Nos. 1 through 4 as constructed and to be constructed to the not-nontributary Dawson aquifer underlying the Applicant's Property, along with any additional or replacement wells associated therewith. This plan for augmentation does not cover depletions associated with diversions in the Denver or Arapahoe aquifers. If Applicant would like to divert its entitlements in the Denver and Arapahoe aquifers, it must do so under a separate future decreed augmentation plan.

23. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation obligation for the N-A Trust Well Nos. 1 through 4, and any additional or replacement wells constructed to the Dawson aquifer, requires the replacement of actual stream depletions. The water to be used for augmentation during pumping is the septic system return flows of the not-nontributary N-A Trust Well Nos. 1 through 4, to be pumped as set forth in this plan for augmentation. The water to be used for augmentation after pumping ceases is the reserved portion of Applicant's nontributary water right in the Laramie-Fox Hills aquifer, as described in Paragraph 23.D. Applicant shall provide for the augmentation of stream

depletions caused by pumping the N-A Trust Well Nos. 1 through 4 and any additional or replacement wells as approved herein. Water use criteria are as follows:

A. Use: Based on a 300-year pumping period, the N-A Trust Well Nos. 1 through 4 may each pump up to 0.57 acre-feet of water per year, assuming four lots, for a maximum total of 2.28 acre-feet being withdrawn from the Dawson aquifer annually (684 acre-feet total) pursuant to the plan for augmentation authorized by this decree. Indoor use will utilize up to 0.26 acre-feet of water per year per residence, with the remaining 0.31 acre-feet per year of the pumping entitlements available for other uses on the Applicant's Property, including, irrigation of lawn and garden and the watering of up to four horses or equivalent livestock, per residence. The foregoing figures assume the use of four individual non-evaporative septic systems, with resulting return flows from each, as described below in Paragraph 23.C. Should Applicant subdivide Applicant's Property into fewer than four lots such that total annual pumping is reduced below 2.28 acre-feet, depletions and return flows for the replacement of depletions will be reduced. In the event that only three lots are created, pumping for the three lots shall be limited to 2.20 annual acre-feet total, or 0.73 annual acre-feet per lot. If only two lots are created, then total pumping shall be limited to 1.5 annual acre-feet total, or 0.75 acre-feet per lot.

B. Depletions: Maximum annual stream depletions over the 300-year pumping period occur in year 300 and will amount to approximately 30.98% of annual pumping. Maximum annual depletions for total residential pumping from all wells of 2.28 acre-feet are therefore 0.71 acre-feet in year 300. Should Applicant's pumping be less than the total 2.28 annual acre-feet described herein, 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), Applicant is required to replace actual stream depletions attributable to pumping of the four residential Dawson aquifer wells. Applicant has shown that, provided water is delivered for indoor use and treated as required by this decree, depletions during the pumping period will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is estimated at 10% per year per residence. At the household indoor use rate of 0.26 acre-feet per residence per year, total of 1.04 acre-feet (assuming four residences), 0.936 acre-feet (0.234 acre-feet per residence) is replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, total maximum annual stream depletions of 0.71 acre-feet will be augmented provided septic system return flows are generated by indoor use of water in at least four residences ($(4 \times 0.26) \times 0.9 = 0.93$). This calculation of septic system return flows from indoor residential use of 0.26 acre-feet per residence shows that depletions that result from pumping the annual amounts described in Paragraph 23.A for either three lots or two lots will also be adequately replaced during the pumping period for the wells under the plan for augmentation.

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 post-pumping depletions which may be associated with the use of the N-A Trust Well Nos. 1 through 4 and any additional or replacement wells, Applicant will reserve water from the nontributary Laramie Fox Hills aquifer underlying the Applicant's Property, as described below. This reservation will be sufficient to replace all post-pumping depletions associated with maximum pumping of N-A Trust Well Nos. 1 through 4, accounting for replacements made during the plan pumping period. The amount of nontributary Laramie-Fox Hills groundwater reserved may be reduced as may be determined through this Court's retained jurisdiction as described in this decree. If the Court, by order, reduces the Applicant's obligation to account for and replace such post-pumping depletions for any reason, it may also reduce the amount of Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. 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. Pursuant to C.R.S. §37-90-137(9)(b), no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. The reservation of 713 acre-feet from the Laramie-Fox Hills aquifer results in approximately 699 acre-feet of available post-pumping augmentation water, which will be sufficient to replace post-pumping depletions based on total pumping of 2.28 acre-feet annually, in accordance with the July 18, 2022, Division Engineer's Summary of Consultation.

E. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive new well permits for the existing N-A Trust Well Nos. 1 through 3 and a new permit for the N-A Trust Well No. 4 for the uses in accordance with this decree and otherwise in compliance with C.R.S. §37-90-137.

24. 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 the augmentation source during the pumping period will accrue to only the 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 43-47 herein.

25. 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 Laramie-Fox Hills aquifer and pumping of water to replace 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 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 the post-pumping obligation commences. Pursuant to this covenant, the water from the nontributary Laramie-Fox Hills aquifer reserved herein may not be severed in ownership from the Applicant's Property. This covenant shall be for the benefit of, and

enforceable by, third parties owning vested water rights who would be 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.

26. Applicant or its successors shall be required to initiate pumping from the Laramie-Fox Hills aquifer for the replacement of post-pumping depletions when either: (i) the absolute total amount of water available from the Dawson aquifer allowed to be withdrawn under the plan for augmentation decreed herein (684 acre-feet) has been pumped; (ii) the Applicant or its successors in interest have acknowledged in writing that all withdrawals for beneficial use through the N-A Trust Well Nos. 1 through 4 or any additional and replacement wells have permanently ceased; (iii) a period of 10 consecutive years where no withdrawals of groundwater has occurred; or (iv) accounting shows that return flows from the use of the water being withdrawn are insufficient to replace depletions caused by the withdrawals that already occurred.

27. Unless modified by the Court under its retained jurisdiction, Applicant and its successors shall be responsible for accounting and replacement of post-pumping depletions as set forth herein. Should Applicant's obligation hereunder to account for and replace such post-pumping stream depletions be reduced or abrogated for any reason, Applicant may petition the Court to also modify or terminate the reservation of the Laramie-Fox Hills aquifer groundwater.

28. 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 23 such that annual diversions are increased through banking measures, 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 or intended 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. The Applicant shall provide notice of the revised model submissions to the State Engineer, this Court, and opposer in this case, and the State Engineer and opposer will have thirty (30) days for review and comment about the revised modeling, upon which, the Applicant will be allowed thirty (30) days to respond to the comments of the State Engineer and the opposer. After this notice and comment period, if the revised depletion modeling is acceptable to the State Engineer, this Court may give approval for the extension of this augmentation plan past the 300-year minimum.

29. 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, of injury to any owner of or person entitled to use water under a vested water right.

30. 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 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 N-A Trust Well Nos. 1 through 4. As a result of the operation of this plan for augmentation, the depletions from the N-A Trust Well Nos. 1 through 4 and any additional or replacement wells associated therewith will not result in injury to the vested water rights of others.

CONCLUSIONS OF LAW

31. 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.5). These cases were properly consolidated before Water Division 2.

32. 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.

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

34. 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), and the issuance of well permits by the State Engineer's Office. Applicant is entitled to a decree from this Court confirming its rights to withdraw groundwater pursuant to C.R.S. §37-90-137(4).

35. 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.

36. 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.

37. 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 N-A Trust Well Nos. 1 through 4 and any additional or replacement wells as described herein 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:

38. 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.

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

A. Subject to the requirement to re-permit the existing exempt wells located on Applicant's Property, Applicant is awarded a vested right to 950 acre-feet of groundwater from the not-nontributary Dawson aquifer underlying Applicant's Property, as quantified in Paragraph 15 or as modified by the Court under its retained jurisdiction. Of the total 950 acre-feet within the not-nontributary Dawson aquifer, 684 acre-feet total may be pumped pursuant to the plan for augmentation decreed herein. The remaining 266 acre-feet of Dawson aquifer groundwater decreed herein which is not included in this plan for augmentation, shall not be withdrawn for any purpose except pursuant to a separate court-approved plan for augmentation authorizing the pumping of that amount.

B. Applicant is awarded a vested right to 1,245 acre-feet of groundwater from the not-nontributary Denver aquifer underlying Applicant's Property, as quantified in Paragraph 15 or as modified by the Court under its retained jurisdiction. However, none of the not-nontributary Denver aquifer water vested and decreed herein shall be withdrawn for any purpose except pursuant to a separate court-approved plan for augmentation authorizing the pumping of such amount.

C. Applicant is awarded a vested right to 1,140 acre-feet of groundwater from the not-nontributary Arapahoe aquifer underlying Applicant's Property, as quantified in Paragraph 15 or as modified by the Court under its retained jurisdiction. However, none of the not-nontributary Arapahoe aquifer water vested and decreed herein shall be withdrawn for any purpose except pursuant to a separate court-approved plan for augmentation authorizing the pumping of such amount.

D. Applicant is awarded a vested right to 713 acre-feet of groundwater from the nontributary Laramie-Fox Hills aquifer underlying Applicant's Property, as quantified in Paragraph 15 or as modified by the Court under its retained jurisdiction. Subject to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent of the amount withdrawn, and the other terms and conditions of this decree, Applicant's Laramie-Fox Hills aquifer groundwater is subject to the reservation of the entire 713 acre-feet awarded to be utilized only for replacement of post-pumping depletions under the plan for augmentation decreed herein, consistent with Paragraph 23.D., above.

40. The Applicant has furnished acceptable proof as to all claims and, therefore, the Application for Adjudication of Denver Basin Groundwater and For Approval of Plan for Augmentation, as filed 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 injury to senior vested water rights.

41. 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 annually. Ninety-eight percent (98%) of the nontributary groundwater withdrawn annually may therefore be consumed. No plan for augmentation shall be required to provide for such relinquishment. Applicant shall be required to demonstrate to the State Engineer prior to the issuance of a well permit that no more than ninety-eight percent of the groundwater withdrawn annually will be consumed.

42. The N-A Trust Well Nos. 1 through 4, and any replacement or additional wells, shall be operated such that combined pumping from all wells does not exceed the annual (2.28 acre-feet) and total (684 acre-feet) pumping limits for the Dawson aquifer as decreed herein, and is in accordance with the requirements of the plan for augmentation described herein. Consistent with Rule 11.A of the Statewide Nontributary Ground Water Rules, the Denver Basin groundwater decreed herein must be withdrawn from the "overlying land" as defined in Rule 4.A.8 of the Statewide Nontributary Ground Water Rules, and N-A Trust Well Nos. 1 through 4 and any replacement wells for these wells shall be constructed on the overlying land. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water by the N-A Trust Well Nos. 1 through 4 or any additional and replacement wells so long as the return flows from the annual diversions associated with the N-A Trust Well Nos. 1 through 4 and such other wells 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 N-A Trust Well Nos. 1 through 4 and any additional or replacement wells 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 regulations of the State of Colorado. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions, the depletions from 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, and cannot be sold, leased or otherwise used for any purpose other than the augmentation plan decreed herein. Applicant shall be required to have any wells pumping on the Applicant's Property providing water for in-house uses and generating septic system returns prior to pumping the wells for any of the other uses identified in Paragraphs 19 or 23.A.

43. 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 characteristics, and the Applicant need not file a new application to request such adjustments. The retained jurisdiction described in this Paragraph 43 is applicable only to the quantities of water available underlying Applicant's Property, and does not affect or include the augmentation plan decreed herein, the retained jurisdiction for which is described in Paragraphs 44 and 47, below.

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 43 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, opposer, 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 43 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 43.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.

44. Pursuant to C.R.S. §37-92-304(6), the Court shall retain continuing jurisdiction over the plan for augmentation decreed herein for a period of five years from the date of entry of this decree 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, including the

requirement to construct a well in the Laramie-Fox Hills aquifer as described in Paragraph 25. 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 23.D. The Court's retained jurisdiction may be invoked using the process set forth in Paragraph 47.

45. 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 River system, to determine whether the replacement of depletions to the Arkansas River system instead of the South Platte River system is causing injury to water rights tributary to the South Platte River system.

46. 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 injury and to request that the Court reconsider 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 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 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 injured, or (ii) that any modification sought by the petitioner is not required to avoid injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert injury to the vested water rights of others.

47. Except as otherwise specifically provided in Paragraphs 44-46, 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 injury to vested water rights of others, for a period of five years from the date of entry of this decree. 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 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

injured, or (ii) that any modification sought by the petitioner is not required to avoid injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert 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 provisions of the statute, this matter shall become final on the question of injury to vested water rights of others under its own terms, although the Court retains continuing jurisdiction as specifically provided in Paragraphs 43-46.

48. 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 necessary by the State Engineer or Division Engineer, 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 each of N-A Trust Well Nos. 1 through 4, or any additional or replacement wells associated therewith, and is required to include geophysical logging on each well. Applicant shall read and record the well meter readings on March 31st and October 31st of each year and shall submit the meter readings to the Water Commissioner by April 15th and November 15th of each year or more frequently as requested by the Water Commissioner.

49. 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. N-A Trust Well Nos. 1 through 4 shall be permitted as non-exempt structures under the plan for augmentation decreed herein. 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, to the extent the well permit application requests a use that has not been specifically identified in this decree, 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.

50. The 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.

Date: March 24, 2023.



Kate Brewer
Water Referee
Water Division Two

DECREE

The court finds that no protest was filed in this matter. The foregoing ruling is confirmed and approved and is made the judgment and decree of this Court.

Date: April 20, 2023

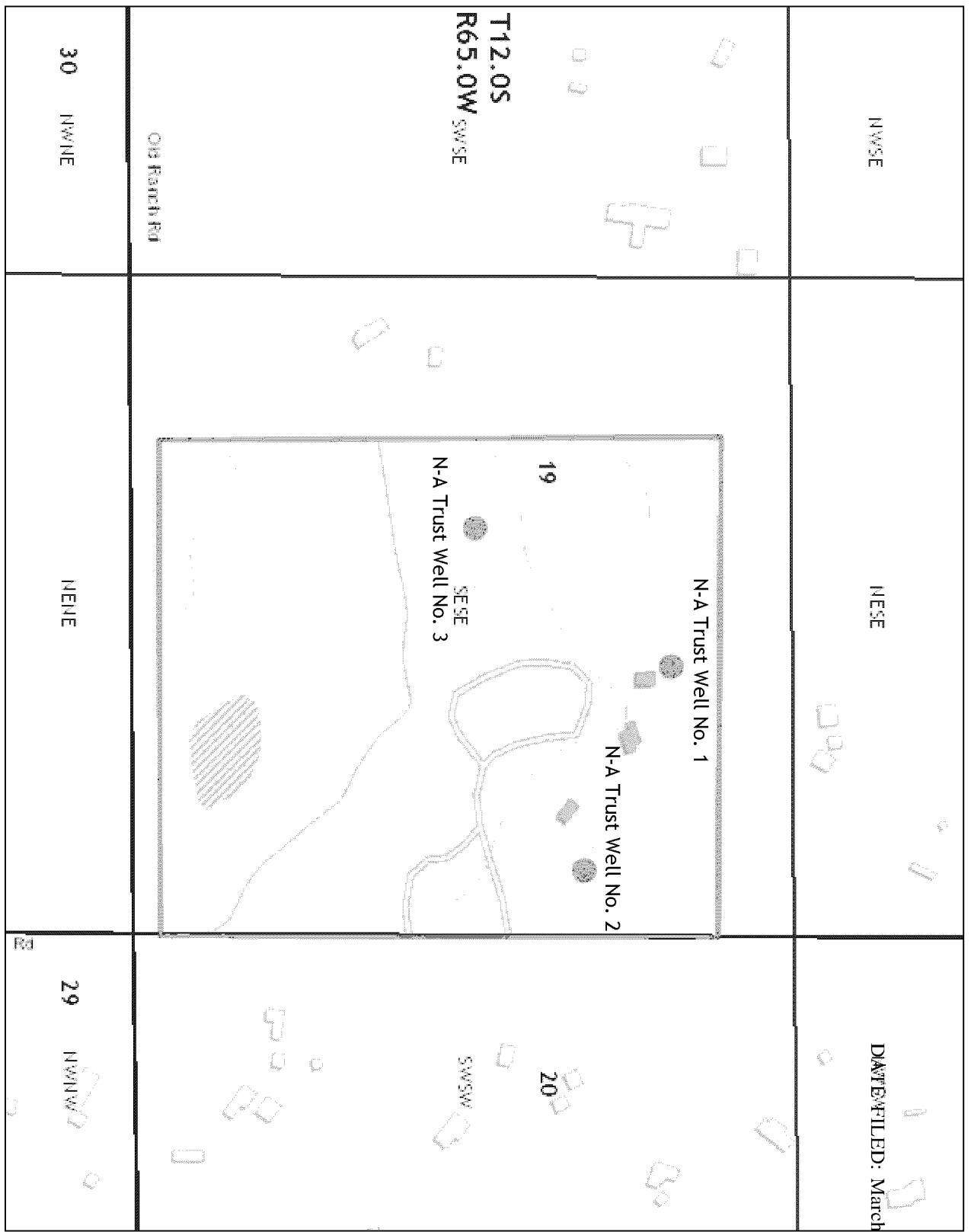


BY THE COURT:

Larry E. Schwartz

LARRY E. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

Approximate Locations of Applicant's Property and Existing Wells



Legend

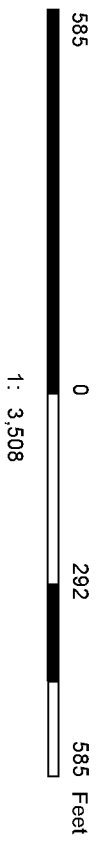
- Township
- Q40
- County

DATE FILED: March 11, 2023 10:07 AM

Location

Notes

EXHIBIT A



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 11/30/2022 10:18:28 AM

WA & AD

2-28-86

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818
Denver, Colorado 80203

RECEIVED

MAR 23 1986

THIS FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 85841-A

WATER RESOURCES
STATE ENGINEER
COLO.

WELL OWNER Bessie, N. Ellison

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 19

ADDRESS 10650 Black Forest Rd.

Colo. Springs, Co. 80908

T. 12 S. R. 65 W. 6th P.M.

DATE COMPLETED Mar 12, 19 86

HOLE DIAMETER

7 7/8 in. from 0 to 20 ft.

6 1/2 in. from 20 to 600 ft.

_____ in. from _____ to _____ ft.

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	2	TopSoil	
2	73	SandStone & Gravel	
73	90	Shale	
90	173	SandStone	
173	205	Shale	
205	221	SandStone	
221	233	Shale	
233	240	SandStone	
240	285	Shale & SandStone	
285	350	Sand Stone Hard	
350	397	Shale	
397	405	SandStone	
405	435	Shale	
435	445	SandStone	
445	460	Shale	
460	487	Sandstone	
487	492	Shale	
492	518	SandStone	
518	528	Shale	
528	532	SandStone	
532	540	Shale	
540	546	SandStone	
546	561	Shale	
561	575	SandStone	
575	600	Shale	
		TOTAL DEPTH <u>600</u>	

Use additional pages necessary to complete log.

DRILLING METHOD Rotary

CASING RECORD: Plain Casing

Size 6 5/8 & kind Steel from 0 to 20 ft.

Size 4 1/2 & kind PVC from 20 to 454 ft.

Size 4 1/2 & kind PVC from 579 to 600 ft.

Perforated Casing

Size 4 1/2 & kind PVC from 454 to 579 ft.

Size _____ & kind _____ from _____ to _____ ft.

Size _____ & kind _____ from _____ to _____ ft.

GROUTING RECORD

Material Cemented

Intervals 0-20

Placement Method Poured

GRAVEL PACK: Size _____

Interval _____

TEST DATA

Date Tested Mar 12 86, 19 _____

Static Water Level Prior to Test 380 ft.

Type of Test Pump Bailed

Length of Test 4

Sustained Yield (Metered) 15

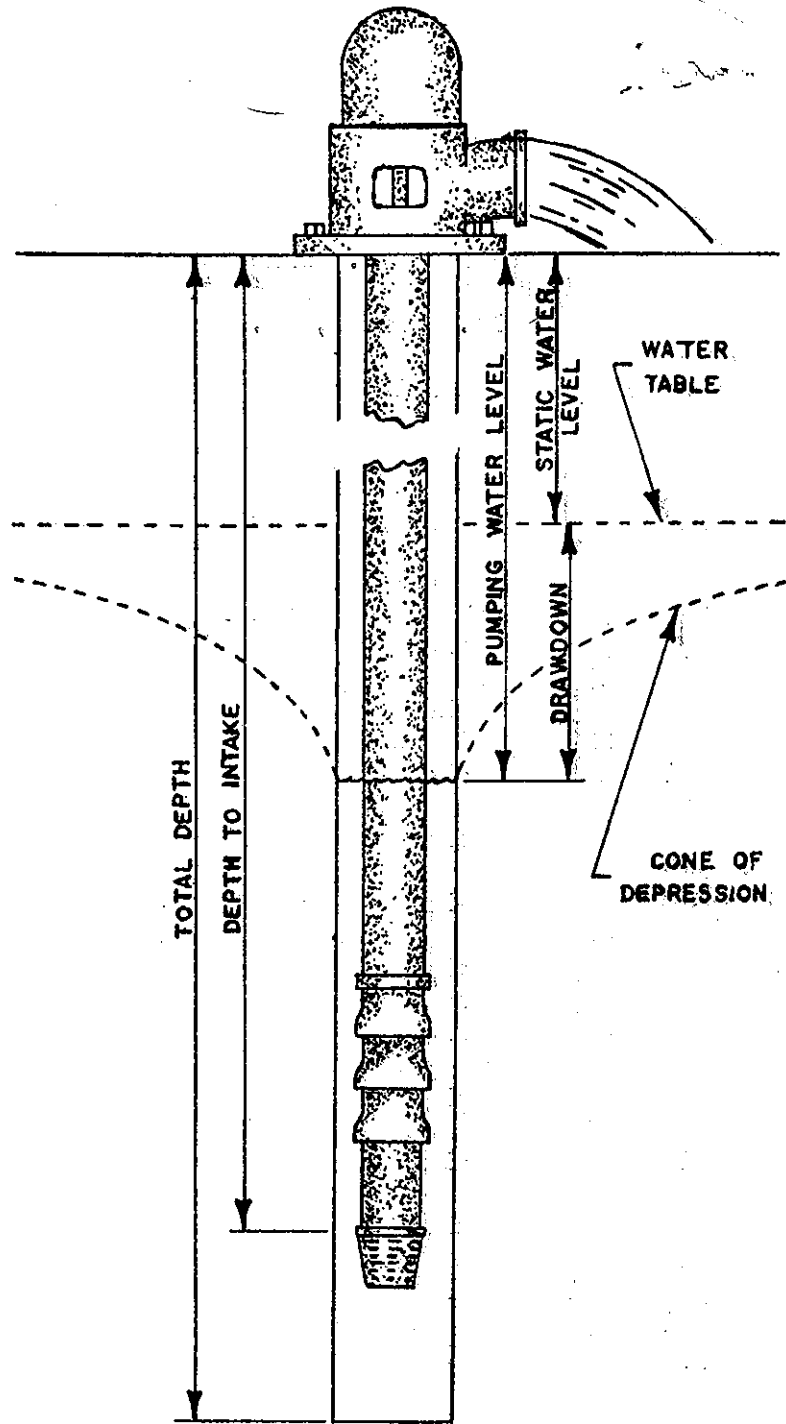
Final Pumping Water Level 540

PUMP INSTALLATION REPORT

Pump Make Berkley
 Type Sub.
 Powered by Electric HP 3
 Pump Serial No. 1628198
 Motor Serial No. 15 M G 23
 Date Installed Mar 24 86
 Pump Intake Depth 567
 Remarks _____

WELL TEST DATA WITH PERMANENT PUMP

Date Tested Mar 24 86
 Static Water Level Prior to Test 380
 Length of Test 2 Hours
 Sustained yield (Metered) 15 GPM
 Pumping Water Level 540
 Remarks _____



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature J. R. Hamacher License No. 71

State of Colorado, County of Elbert SS

Subscribed and sworn to before me this 24 day of Mar, 19 86

My Commission expires: Dec 7 19 86

Notary Public Bonnie Dolores Hamacher

FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

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

RECEIVED
FEB 04 1986
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.

- () A PERMIT TO USE GROUND WATER
- (X) A PERMIT TO CONSTRUCT A WELL
- FOR: (X) A PERMIT TO INSTALL A PUMP
- (X) REPLACEMENT FOR NO. 85841
- () OTHER _____
- WATER COURT CASE NO. _____

7350

(1) **APPLICANT** - mailing address

NAME Bessie M. ELLISON

STREET 10150 BLACK FOREST Rd

CITY COLO SPRINGS, COLO. 80908
(State) (Zip)

TELEPHONE NO. 495-2718

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 62046

Basin _____ Dist. _____

(2) **LOCATION OF PROPOSED WELL**

County EL PASO

S-E 1/4 of the S-E 1/4, Section 19

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

Number of acres to be irrigated: 14 less

Proposed total depth (feet): 600

Aquifer ground water is to be obtained from:
DAWSON

Owner's well designation _____

APPROVED PURSUANT TO C.R.S. 37-92-602
(3) (c) FOR THE RELOCATION OF EXISTING WELL

PERMIT NO. 85841 THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS WITHIN NINETY (90) DAYS OF COMPLETION OF THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM MUST BE COMPLETED AND SUBMITTED AFFIRMING THAT THE OLD WELL WAS PLUGGED AND ABANDONED.

2) 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.

3) Install plain (non-perforated) casings from ground surface down to a minimum depth of 170 feet and properly sealed

DEPTH OF THIS WELL SHALL NOT EXCEED 580 FEET WHICH CORRESPONDS TO THE BASE OF THE DAWSON Aquifer 2-21-86 BJD

GROUND WATER TO BE USED FOR:

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

DETAIL THE USE ON BACK IN (11)

APPLICATION APPROVED

PERMIT NUMBER 85841-1

DATE ISSUED FEB 28 1986

EXPIRATION DATE FEB 28 1988

Robert G. Longenbaugh
(STATE ENGINEER)
BY Steve Lautenschlager
I.D. 2-10 COUNTY 29

(4) **DRILLER**

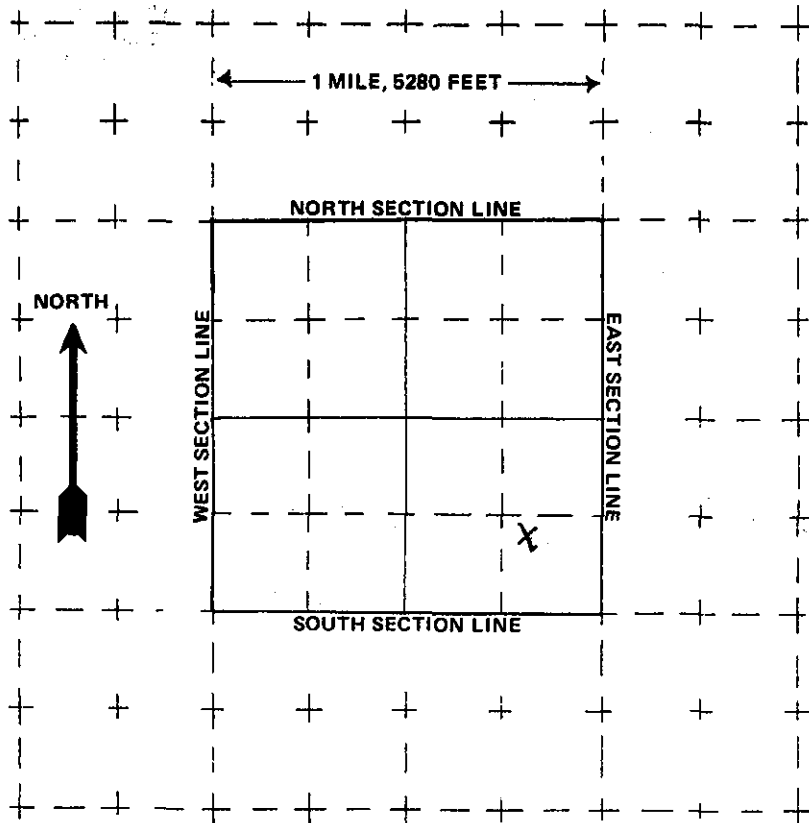
Name Hamacher Well Works

Street P.O. Box 86

City Simla, Co. 80335

Telephone No. 541-2460 Lic. No. 71
(State) (Zip)

(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.

1185 ft. from SOUTH sec. line
(north or south)
1000 ft. from EAST sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____
SUBDIVISION _____

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: Bessie ELLISON
No. of acres 10. Will this be the only well on this tract? yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing
6 5/8 in. from 0 ft. to 20 ft.
4 1/2 in. from 20 ft. to 500 ft.
Perforated casing
4 1/2 in. from 500 ft. to 600 ft.
_____ in. from _____ ft. to _____ ft.

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

10' WEST OLD WELL

FILL SAND + CLAY
(Urgent: No water for horses in pasture!) BME -

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

Owner(s): Bessie M. ELLISON No. of acres: 10
Legal description: S-E 1/4 S-E 1/4 sect. 19 Twp. 12-S Rng. 65-W 6th

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

LIVESTOCK TREES + SMALL LAWN
TANK & LINES

(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.**

Bessie M. Ellison

SIGNATURE OF APPLICANT(S)

SPECIAL

COLORADO DIVISION OF WATER RESOURCES

300 Columbine Bldg., 1845 Sherman St.
Denver, Colorado 80203

RECEIVED

JAN 10 1986

AFFIDAVIT
WATER RESOURCES
STATE - ENGINEER
COLO.

TYPE OR
PRINT IN BLACK INK
COPY OF ACCEPTED
STATEMENT MAILED
ON REQUEST.

STATE OF COLORADO

COUNTY OF El Paso } SS.

- STATEMENT OF BENEFICIAL USE OF GROUND WATER
- AMENDMENT OF EXISTING RECORD
- LATE REGISTRATION

PERMIT NUMBER 137196

LOCATION OF WELL

THE AFFIANT(S) Bessie M. Ellison
whose mailing address is 10650 Black Forest Rd
Colo. Springs, Co. 80908

County El Paso
SE 1/4 of the SE 1/4, Section 19

City _____ Twp. 12 S, Rng. 65 W, 6th M

being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon, the well is located as described above, at distances of 700 feet from the South section line and 150 feet from the

East section line; water from this well was first applied to a beneficial use for the purpose(s) described herein on the 11 day of Oct, 1985; the maximum sustained pumping rate of the well is 15 gallons per minute, the pumping rate claimed hereby is 15 gallons per minute; the total depth of the well is 600 feet; the average annual amount of water to be diverted is 1 acre-feet; for which claim is hereby made for Domestic purpose(s); the legal description of the land on which the water from this well is used is

El Paso SE 1/4 of the SE 1/4, Section 19 Twp. 12 S Rng. 65 W 6th of which

_____ acres are irrigated and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

(COMPLETE REVERSE SIDE OF THIS FORM)

Signature(s) Bessie M. Ellison

Subscribed and sworn to before me on this 27 day of Dec, 1985

My Commission expires: Dec 2, 1986

Bonnie Dolores Hamacher
NOTARY PUBLIC

ACCEPTED FOR FILING BY THE STATE ENGINEER OF COLORADO PURSUANT TO THE FOLLOWING CONDITIONS:

THAT THOSE CONDITIONS OF APPROVAL AS STATED ON THE PERMIT ARE COMPLIED WITH.

FOR OFFICE USE ONLY	
Court Case No.	_____
Prior	Mo. _____ Day _____ Yr. _____
Div.	<u>2</u> City, <u>21</u>
Sec.	_____ 1/4 _____ 1/4 _____ 1/4
Well Use	<u>1</u>
Dist.	<u>10</u> Basin _____ Man. Dis _____

AUG 0 1 1986

DATE

Robert C. Longenbaugh
STATE ENGINEER ASSISTANT

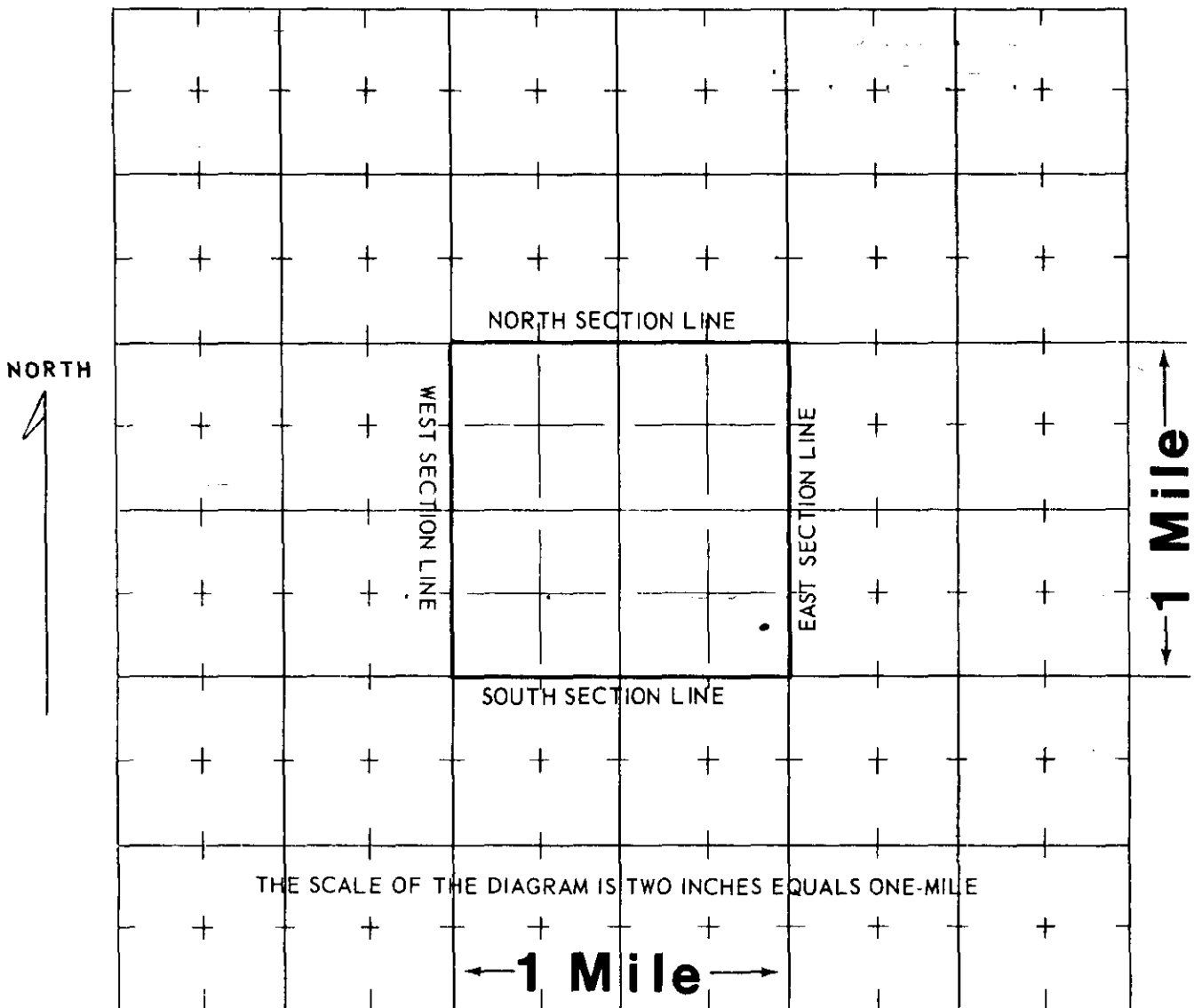
[Signature]
BY

Well drilled by Hamacher Well Works Lic. No. 71
 Permanent Pump installed by " " " Lic. No. " "

Meter Serial No. _____ Flow Meter Date Installed Oct 11-85
 Owner of land on which water is being used Bessie M Ellison

THE LOCATION OF THE WELL MUST BE SHOWN AND FOR LARGE CAPACITY IRRIGATION WELLS THE AREA ON WHICH THE WATER IS USED MUST BE SHADED OR CROSS-HATCHED ON THE DIAGRAM BELOW.

This diagram represents nine (9) sections. Use the **CENTER SQUARE** (one section) to indicate the location of the well, if possible.



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).
- 1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
- 1,000 gpm pumped continuously for one day produces 4.42 acre-feet.
- 100 gpm pumped continuously for one year produces 160 acre-feet.

**(WHITE AND PINK COPY TO BE FILED WITH THE STATE ENGINEER
 PINK COPY WILL BE RETURNED TO OWNER)**

WAE AD

RECEIVED

OCT 10 1985

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818
Denver, Colorado 80203

THIS FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

WELL COMPLETION AND PUMP INSTALLATION REPORT
PERMIT NUMBER 137196

WATER RESOURCES
STATE ENGINEER
COLO.

WELL OWNER Bessie N. Ellison

SE 1/4 of the SE 1/4 of Sec. 19

ADDRESS 10650 Black Forest Rd. Co. Springs, Co 80908

T. 12 S. R. 65 W. 6th P.M.

DATE COMPLETED Oct 3, 1985

HOLE DIAMETER

7 7/8 in. from 0 to 22 ft.

6 1/2 in. from 22 to 600 ft.

_____ in. from _____ to _____ ft.

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	1	Top Soil	
1	75	Sand Stone & Clay	
75	85	Shale	
85	105	Sand Stone & Clay	
105	115	Shale	
115	133	Sand Stone	
133	140	Shale	
140	190	Sand Stone	
190	202	Shale	
202	204	Sand Stone	
204	265	Shale	
265	278	Sand Stone	
278	305	Shale	
305	308	Sand Stone	
308	328	Shale	
328	388	Sand Stone	
388	397	Shale	
397	483	Sand Stone	
483	485	Shale	
485	486	Rock	
486	500	Sand Stone	
500	534	Sand Stone & Shale Layers	
534	536	Rock	
536	540	Sand Stone	
540	542	Rock	
542	588	Sand Stone	
588	600	Shale	
		TOTAL DEPTH <u>600</u>	

Use additional pages necessary to complete log.

DRILLING METHOD Rotary

CASING RECORD: Plain Casing

Size 65/8 & kind Steel from 0 to 22 ft.

Size 4 1/2" & kind Steel from 22 to 410 ft.

Size _____ & kind _____ from _____ to _____ ft.

Perforated Casing

Size 4 1/2" & kind Steel from 410 to 600 ft.

Size _____ & kind _____ from _____ to _____ ft.

Size _____ & kind _____ from _____ to _____ ft.

GROUTING RECORD

Material Cemented

Intervals 0-22

Placement Method Poured Packered 200

GRAVEL PACK: Size _____

Interval _____

TEST DATA

Date Tested Oct 3, 1985

Static Water Level Prior to Test 193 ft.

Type of Test Pump Bailed

Length of Test 4

Sustained Yield (Metered) 15

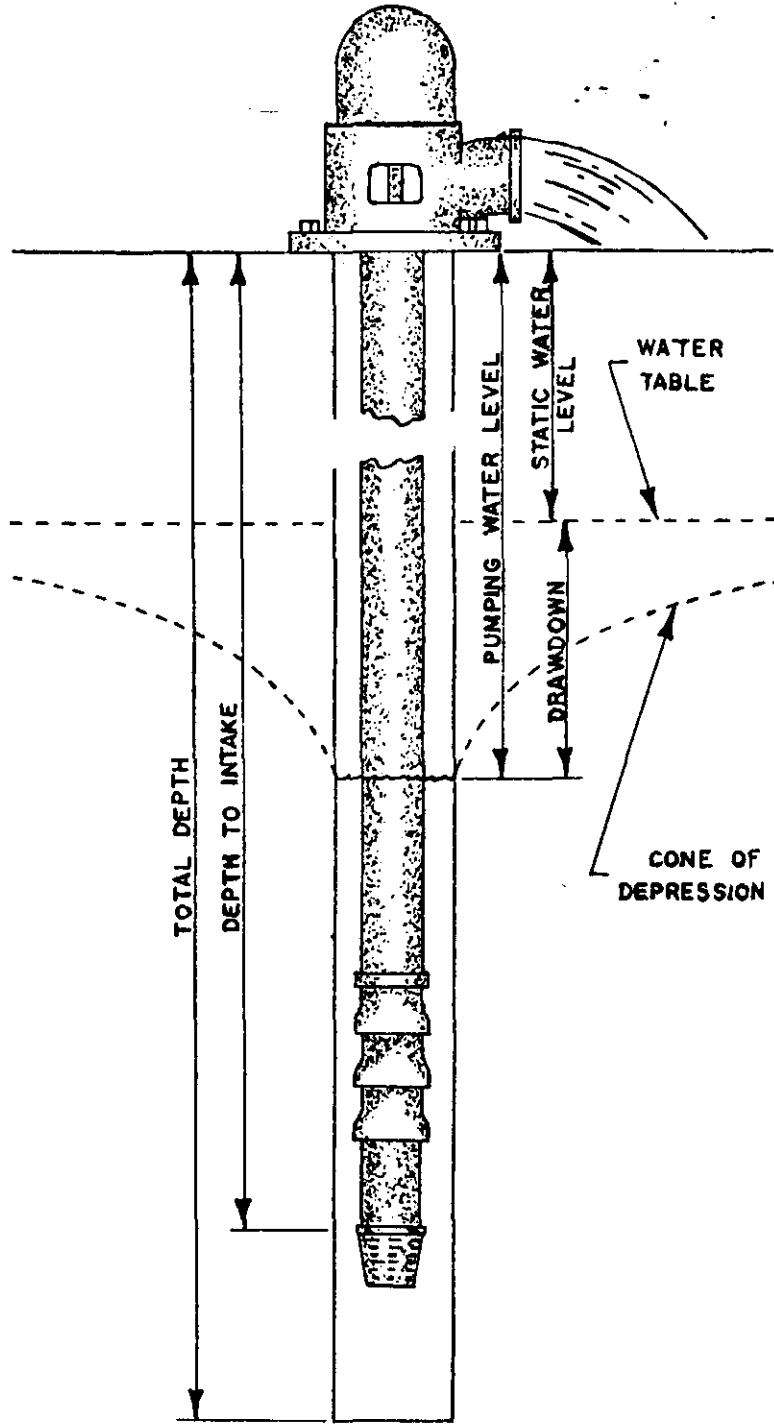
Final Pumping Water Level 500

PUMP INSTALLATION REPORT

Pump Make Berkley
 Type Sub.
 Powered by no electric HP 3
 Pump Serial No. 1282013
 Motor Serial No. 15MG 23-30
 Date Installed Oct 8
 Pump Intake Depth 510
 Remarks No electric

WELL TEST DATA WITH PERMANENT PUMP

Date Tested _____
 Static Water Level Prior to Test _____
 Length of Test _____ Hours
 Sustained yield (Metered) _____ GPM
 Pumping Water Level _____
 Remarks No electric



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature J. R. Hamacher License No. 71

State of Colorado, County of Elbert SS

Subscribed and sworn to before me this 8 day of Oct, 19 85.

My Commission expires: Dec 7 19 86.

Notary Public Bonnie Dolores Hamacher

FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

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

PREVIOUSLY
RECEIVED
MAR-8, 1984
APR. -16, 1984
AUG. -20, 1984

PERMIT APPLICATION FORM

RECEIVED
SEP 17 1984

WATER RESOURCES
STATE - ENGINEER
COLO.

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 Bessie M. Ellison

STREET 10650 Black Forest Rd.

CITY Colo. Spgs., Co 80908
(State) (Zip)

TELEPHONE NO. 495-2718

(2) LOCATION OF PROPOSED WELL

County EI Paso

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19

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: 1/2 or less

Proposed total depth (feet): 400

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 Hamacher Well Works

Street Box 86

City Simla, Co 80835
(State) (Zip)

Telephone No. 541-2460 Lic. No. 71

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 43600

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)(I).
 - 2) 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.
 - 3) DEPTH OF THIS WELL SHALL NOT EXCEED 570 FEET WHICH CORRESPONDS TO THE BASE OF THE DAWSON AQUIFER.
 - 4) AVERAGE ANNUAL APPROPRIATION FROM THIS WELL SHALL NOT EXCEED 1.0 ACRE FEET.
 - 5) THE USE OF GROUNDWATER FROM THIS WELL IS LIMITED TO FIRE PROTECTION, ORDINARY HOUSEHOLD PURPOSES INSIDE A SINGLE FAMILY DWELLING, THE IRRIGATION OF 13,000 SQUARE FT. OF HOME GARDENS AND LAWNS, AND THE WATERING OF DOMESTIC ANIMALS.
- JWB. 9/25/84*

(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 137196

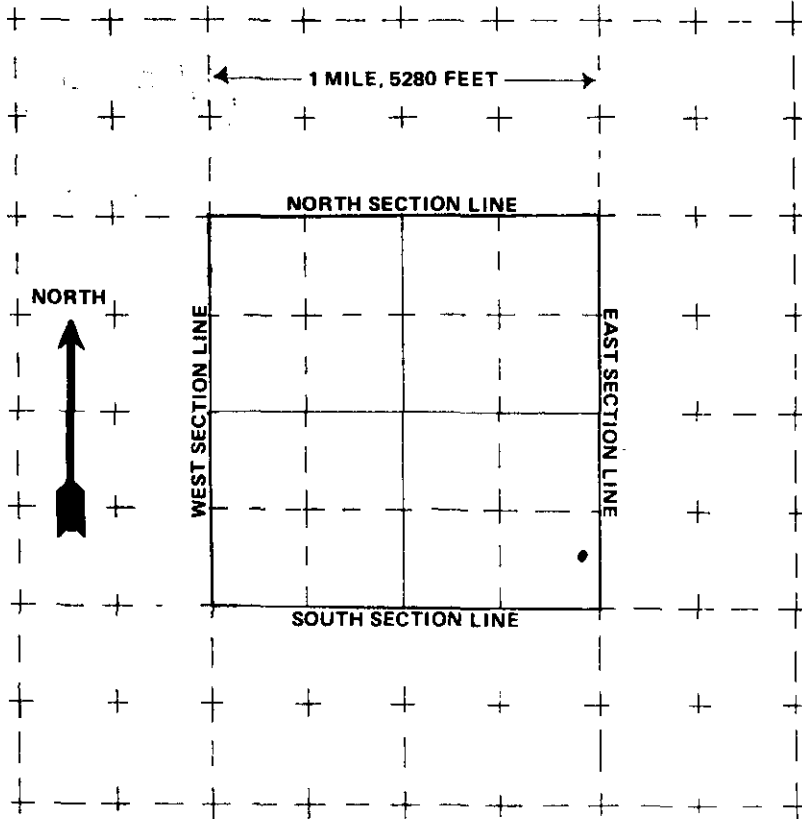
DATE ISSUED SEP 25 1984

EXPIRATION DATE SEP 25 1986

BY Steve Lautenschlager
(STATE ENGINEER)
Assistant

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.

700 ft. from South (north or south) sec. line
150 ft. from East (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____
SUBDIVISION _____

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: Ellison, Bessie

No. of acres 9.55± Will this be the only well on this tract? NO * (SEE ITEM 12)

(8) **PROPOSED CASING PROGRAM**

Plain Casing
6 7/8 in. from +1 ft. to 19 ft.
4 1/2 in. from 15 ft. to 320 ft.
Perforated casing
4 1/2 in. from 320 ft. to 400 ft.
_____ in. from _____ ft. to _____ ft.

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

N/A

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

Owner(s): Bessie Ellison No. of acres: 9.55±

Legal description: a portion of Selly, Selly, Sec. 19, T. 12S, R. 65W, more particularly described on the attached plat map.

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

Domestic & Livestock
1250 gal. septic tank & leach lines type of disposal

(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>old well drilled in approx. 1963 to a depth of 90'</u>	<u>domestic use</u>	<u>same as item 10</u>

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

Bessie M. Ellison
SIGNATURE OF APPLICANT(S)

A new Survey for your Files
BME

RECEIVED
AUG 20 1984

WATER RESOURCES
STATE ENGINEER
COLO.

RECEIVED
SEP 17 1984

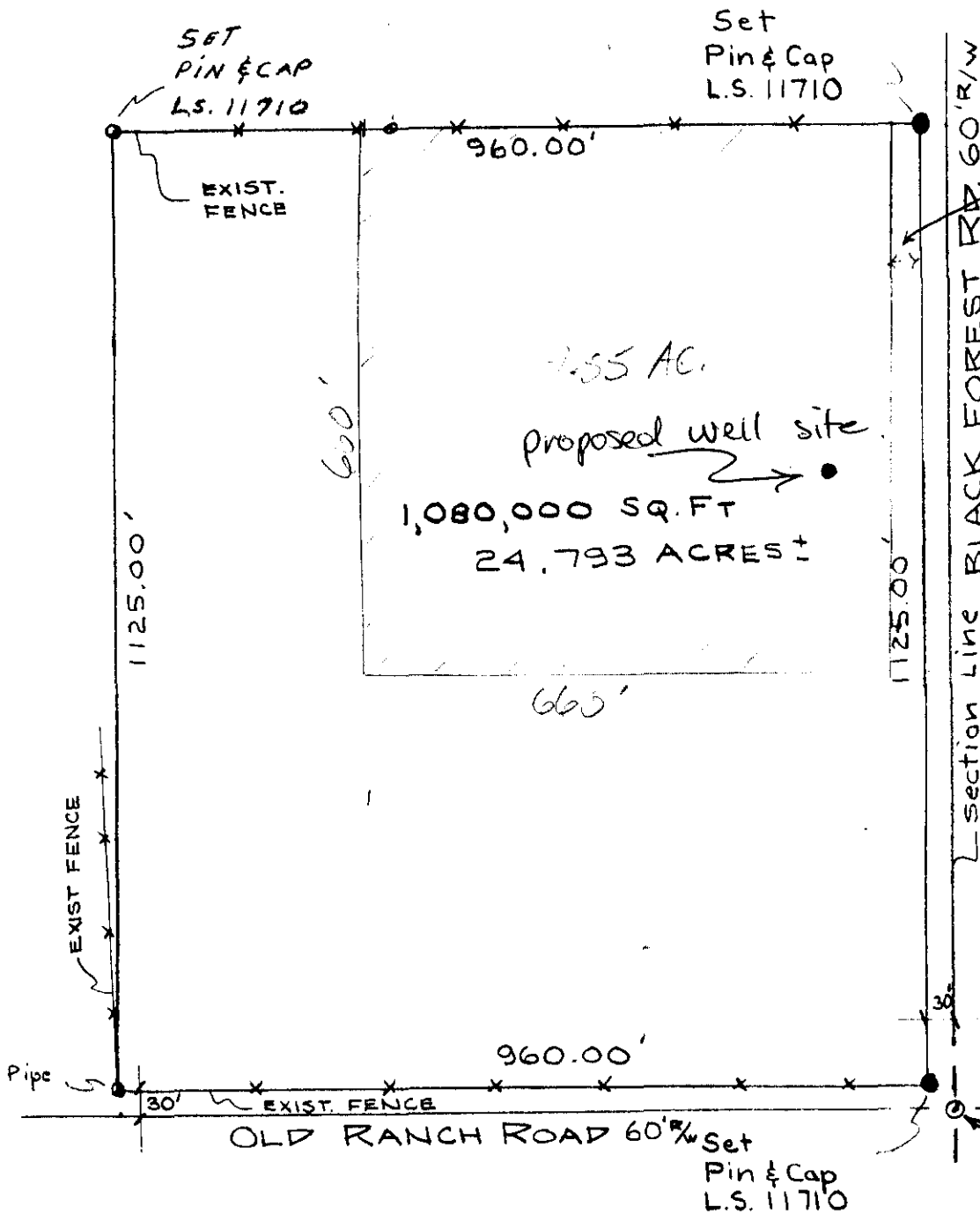
WATER RESOURCES
STATE ENGINEER
COLO.



SCALE: 1" = 200'

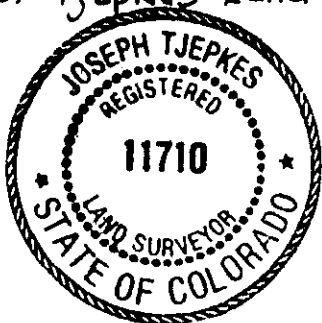
Legal Description:

SOUTH 1155'
East 890'
SE 1/4 SEC. 19
T 12 S, R 65 W
except the
Southerly and
Easterly 30'
thereoff for
Right-of-way
Purposes



CERTIFICATE OF SURVEY

This is to certify that on July - 15 - 84, a survey was made under my supervision of the hereon described Lands, and that this map accurately represents said survey. This survey does not constitute a title search to determine ownership or easements of record done by J. D. Tjepkes Land Surveying.



SIGNED BY

J. D. Tjepkes

R.L.S. 11710

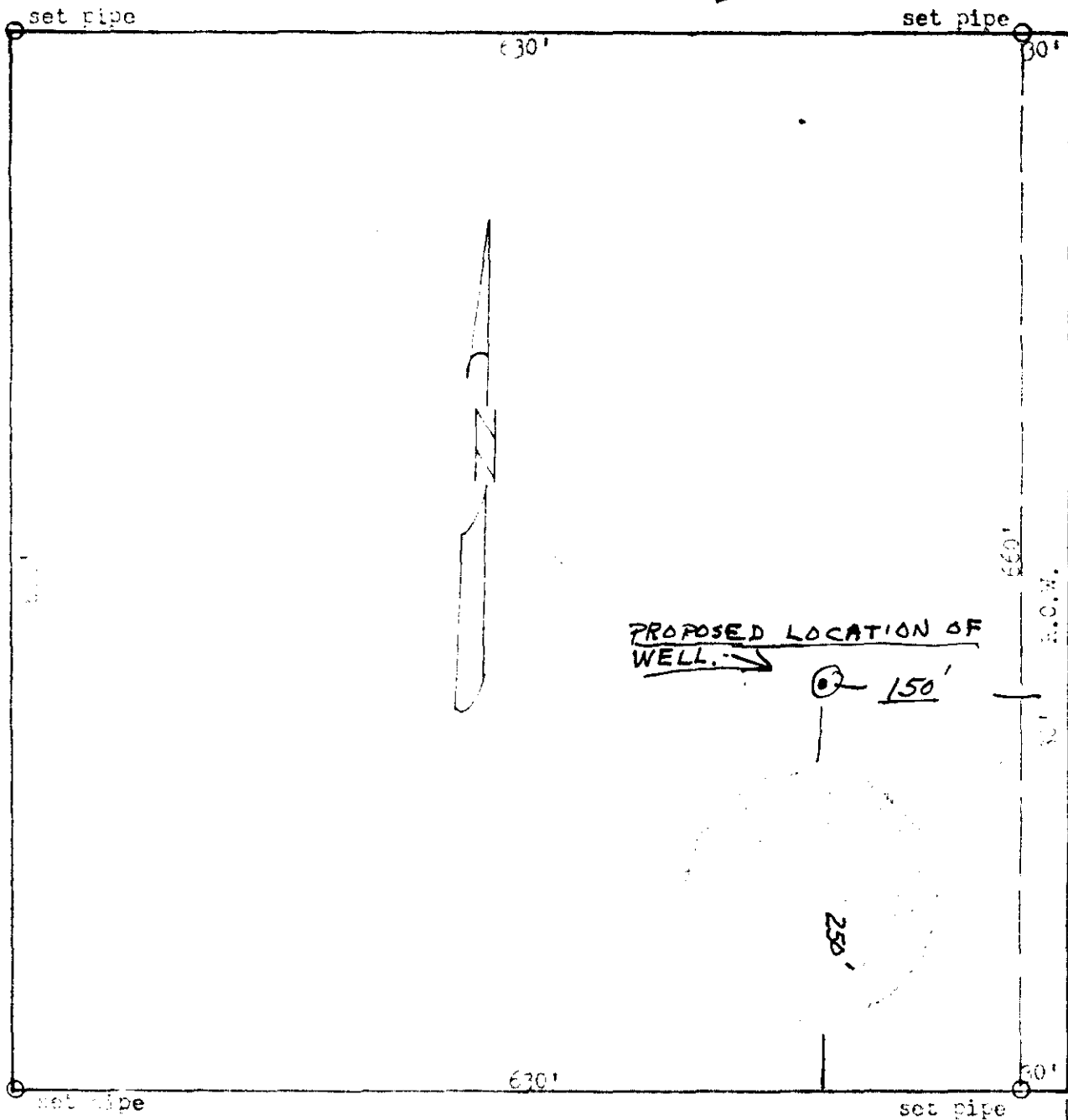
84-162

J.D. TJEPKES LAND SURVEYING
Monument Plaza Hwy. 105
P. O. Box 673 Monument, CO 80132
(303) 481-3816

	DATE
DRAWN	4 27 63
CHECKED	FNS
APPROVED	

Certificate of RECEIVED
CONARD SURVEY COMPANY
 Colorado Springs, Colorado
 AUG 20 1984
 WATER RESOURCES
 STATE ENGINEER
 8998

DWG. NO.	63351
SCALE	1" = 100'



This certifies that the above is a true and correct plot of a survey made by us this 15th day of April 1963 of the property described as the North 660 feet of the North 1125 feet of the East 660 feet of the SE 1/4 of Section 19, Township 12 South, Range 05 West of the 6th P.M. in El Paso County, Colorado.

Henry H. Conard
 Registered Professional Surveyor

SE Corner of Sec. 19
Paul M. Anderson
 Registered Land Surveyor

APPLICATION FOR: A PERMIT TO USE GROUND WATER A PERMIT TO CONSTRUCT A WELL

APR 30 1965
GROUND WATER SECT.
COLORADO
STATE ENGINEER

Applicant B. C. Ellison

P. O. Address Pl 4 Colo & Colo

Quantity applied for 30 gpm or AF Storage

Used for Domestic Purposes

on/at _____
(legal description of land site)

Total acreage irrigated and other rts. _____

ESTIMATED DATA OF WELL

Hole size: 9 in. to 3.50 ft.
_____ in. to _____ ft.

Casing Plain 6 in. from 0 to 250 ft.
_____ in. from _____ to _____ ft.

Open or Perf. 6 in. from 250 to 250 ft.
_____ in. from _____ to _____ ft.

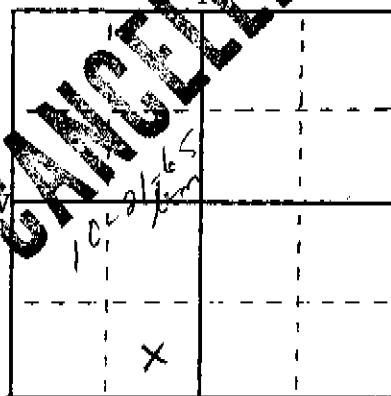
PUMP DATA: Type ? HP ? Outlet Size ?

Use initiation date May 1965.
(Use Supplemental pages for additional data)

LOCATION OF WELL
County El Paso
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sect. 19, Twp. 12S.
Rge. 65-W, 6 P.M. OR

Street Address or Lot & Block No. _____

Town or Subdivision _____



901867

Locate well in 40 acre (small) square as near as possible. Large square is one section.

Driller to furnish Log and History (Form E) within 30 days after completion of well.

\$25.00 fee required for uses other than Domestic or Livestock.

THIS APPLICATION APPROVED
PERMIT NO. 23585
ISSUED: _____
DATE APR 30 1965 1965

Applicant B. C. Ellison
Agent or Driller M. B. Ditzel No. 69
Address Pl 2 Colo & Colo.

NOTE - SATISFACTORY COMPLETION REQUIRED FOR APPROVAL OF APPLICATION

ACTIONS TAKEN

#1	7/9/65
#2	
#3	
#4	
#5	

Not not well

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

RECEIVED
OCT 21 1965
GROUND WATER SECT.
COLORADO
STATE ENGINEER

PERMIT

NOTE: This permit is issued for the purposes indicated in the application.

STATE OF COLORADO

APPLICATION FOR:

- A PERMIT TO USE GROUND WATER
- A PERMIT TO CONSTRUCT A WELL

RECEIVED
APR 30 1965
GROUND WATER SECT.
COLORADO
STATE ENGINEER

Applicant B. C. E. Hanson

P. O. Address Pl 2 Colo S Colo

Quantity applied for _____ gpm or _____ AF Storage

Used for Domestic Purposes

on/at _____
(legal description of land site)

LOCATION OF WELL
County Cherokee

SE 1/4 of SW 1/4 of Sect. 19, Twp. 12 S

Rge. 6 S. W. 6 P. M. OR

Street Address or Lot & Block No.

Town or Subdivision

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL

Hole size: 4 in. to 6 ft.
_____ in. to _____ ft.

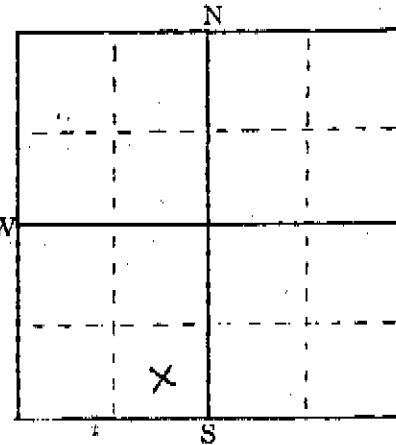
Casing Plain 6 in. from 0 to 250 ft.
_____ in. from _____ to _____ ft.

Open or Perf. 22 in. from 0 to 250 ft.
_____ in. from _____ to _____ ft.

PUMP DATA: Type _____ HP _____ Outlet Size ?

Use initiation date May 1965
(Use Supplemental pages for additional data)

Driller to furnish Log and History (Form E) within 30 days after completion of well.



Locate well in 40 acre (small) square as near as possible. Large square is one section.

\$25.00 fee required for uses other than Domestic or Livestock.

Applicant B. C. E. Hanson

Agent or Driller M. B. Rink Co. No. 67

Address Pl 2 Colo S Colo

THIS APPLICATION APPROVED
PERMIT NO. 23585
ISSUED: DATE APR 30 1965 1965

NOTE - SATISFACTORY COMPLETION REQUIRED FOR APPROVAL OF APPLICATION

THE ABOVE APPLICATION, BEING A PART OF THIS PERMIT, IS APPROVED AS INDICATED.

J. E. Whitton

STATE ENGINEER

Geo W. Walker

By

SEAL