

***WATER RESOURCES REPORT***

*for*

***PT Overlook, LLC  
Overlook Filing No. 1***

***EPC Parcels #: 4100000255 and 4100000256***

**September 2024**

**Prepared By:**



PT Overlook, LLC  
OVERLOOK FILING NO. 1  
Elbert Road

EPC PARCELS # 4100000255 and 4100000256

## WATER RESOURCES REPORT

September 2024

Prepared for:

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Monument, CO 80132

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## 1.0 INTRODUCTION AND EXECUTIVE SUMMARY

The purpose of this report is to address the specific water needs of a proposed subdivision of Parcel # 4100000255 and 4100000256 in El Paso County, CO.

**EXECUTIVE SUMMARY:** The proposed water rights and augmentation plan would be sufficient to meet the needs of thirty-six (36) residential lots proposed for the subdivision on a 300-year basis.

## 2.0 PROJECTED LAND USES

### 2.1 Projected Land Uses

This report pertains to the proposed Filing No. 1 development totaling 202.711 acres, that are proposed to be divided into thirty-six (36) residential lots. Please refer to the *Land Use Exhibit* in **Appendix A**.

## 3.0 WATER NEEDS AND PROJECTED DEMANDS

### 3.1 Water Demand Summary

It is anticipated that the proposed thirty-six (36) residences will use approximately 18.0 AF/year for domestic (0.26 AF/year/residence), irrigation (assuming 3,463 ft<sup>2</sup> of lawn and garden), and stock water applications. All water demands are anticipated to be met using residential wells drilled into the not-nontributary Upper Dawson aquifer. These demand estimates are based upon information provided by the replacement plan included in recorded decree #4638-RP for the PT Overlook, LLC, located in **Appendix C**. Note that the projected demands included in replacement plan #4638-RP are for the build-out of the entire development. Estimated water demands and wastewater loads are shown Table 3-1 below:

**Table 3-1: Summary of Expected Water Demands & Wastewater Loads**

Basin	# of SFEs	Water					Wastewater
		Annual Indoor Use 0.26 (AF/YR/SFE)	Average Daily Indoor Use (GPD)	Irrigation 0.0566 (AF/1,000 ft <sup>2</sup> )	Domestic Watering 0.011 (AF/Horse/Yr)	Total Indoor, Watering, & Irrigation (AF)	ADF (@ 90% Indoor Use) (GPD)
Upper Black Squirrel	36	Note 1 9.360	8356	Note 2 7.056	Note 3 1.584	18.00	7,520

Note 1: Per 8.4.7(B)(7)(d) of the EPC Land Development Code - general residential use

Note 2: Assuming 0.0566 per 1000 ft<sup>2</sup> per EPC-LDC at 3,463 SF of lawn/garden/trees

Note 3: Assuming for 4 horses per unit



### 3.2 Unit Water User Characteristics

Unit water user characteristics are counted on a *single-family equivalent* (SFE) basis. All single-family homes are counted as one SFE, and user characteristics were based on information provided in the *El Paso County Land Development Code*, Chapter 8.

### 3.3 Demand versus Supply

An overall demand of 18.0 acre-feet for the proposed subdivision is less than the amount of supply proposed out of the not-nontributary Upper Dawson Aquifer. There is an existing well on the Overlook property under permit # 157064-A, which will be re-permitted to facilitate use out through the approved replacement plan decreed in court case number 4638-RP. However, this well is not located within Overlook Filing No. 1 and will not be replaced with this development. Total annual allocations out of the not-nontributary Dawson Aquifer for the entire 350.811 acres total 245.18 AF/year on a 100-year basis, and 81.73 AF/year on a 300-year basis according to decree Nos. 4638-BD and 4638-RP. This allocation excludes the 82 AF that has been determined to have been withdrawn from above mentioned well #157064-A. It should be noted that the entire Overlook Filing No. 1 is located within the Upper Black Squirrel Designated Basin as shown in the Land Use Exhibit contained in **Appendix A**, and that of the 81.73 AF/year of Dawson Aquifer water allocated to the 350.81 acre development, 47.28 AF/year of that water on a 300-year basis is located within the Overlook Filing No. 1 (all of which is within the Upper Black Squirrel Creek designated basin). The 300-year supply available to both the Overlook Development and Filing No. 1 in the Black Squirrel Creek basin is more than enough to meet the estimated demands for the proposed subdivision. All Denver Basin allocations are shown in Table 4-1 in conjunction with their approved decrees approximate locations within each designated basin.

## 4.0 WATER RIGHTS AND SUPPLY

### 4.1 Water Rights

Water rights, determinations, and replacement plan have been decreed as included in **Appendix C. Table 4-1** below summarizes the information from said decrees as included in **Appendix C**.

**Table 4-1: Water Rights Summary**

**Overlook Subdivision**

Estimated Annual Water Appropriations

Basin	Land Formation/ Aquifer	Determination	Tributary Status	Area	Total Approp. Water	Annual Allocation 100-Year	Annual Allocation 300-Year
				(Acres)	(AF)	(AF/Year)	(AF/Year)
<b>Total Overlook Allocated Water</b>	Dawson <sup>1</sup>	4638-BD	NNT	350.81	24,518	245.18	81.73
	Denver	4637-BD	NT	350.81	17,900	179	60
	Arapahoe	4636-BD	NT	350.81	12,500	125	42
	Laramie-Fox Hills	4635-BD	NT	350.81	10,800	108	36
	<b>Total Legal Supply</b>						<b>657.18</b>
<b>Overlook Filing No. 1 (all within UBSCMD)</b>	Dawson <sup>1</sup>	4638-BD	NNT	202.71	14,184	141.84	47.28
	Denver	4637-BD	NT	202.71	10,338	103	34
	Arapahoe	4636-BD	NT	202.71	7,237	72	24
	Laramie-Fox Hills	4635-BD	NT	202.71	6,233	62	21
	<b>Total Legal Supply</b>						<b>379.93</b>
						100-Year	300-Year

<sup>1</sup> Dawson aquifer allocations are reduced by previous usage out of Well Permit 157064-A

**Beneficial Uses:** Domestic Indoor, Commercial  
Indoor & Outdoor Irrigation

As described in **Appendix C**, the following conditions are allowed for the subject property:

- Water may be withdrawn through up to thirty-six (36) new additional wells (all new wells will be allotted 0.50 AF/year per residential well). Existing and new wells will be drilled into the Upper Dawson Aquifer and will be developed on the subject property. The original permit number to operate the existing well is contained in **Appendix C**.
- Existing well (Permit # 157064-A) must be re-permitted as described in decree No 4638-BD. However, this well is not located within Overlook Filing No. 1 and will not be replaced with this development.
- Each residential well can use 0.26 AF/year for in-house use and 0.24 AF/year for other uses, which include the irrigation of up to 3,463 square feet per lot of landscape and/or limited crops and up to four heads of livestock. Total

water allotted per well is 0.50 AF/year and a total of 31.0 AF/year for the subdivision.

- All wells are to be drilled to the Dawson aquifer. All wells to be metered.
- The type of use to which the Dawson water pumped must be used for domestic indoor use, indoor and outdoor irrigation, pursuant to the augmentation plan.

#### 4.2 Adequacy of Water Rights

Current water rights are adequate for buildout demands of sixty-two (62) residential lots to meet 2040 and 2060 buildout projections on a 300-year basis.

The proposed Overlook Subdivision is partially located within the Kiowa-Bijou Designation Basin, and partially within the Upper Black Squirrel Creek Designated Basin. Specifically, Overlook Filing No. 1 is located entirely within the Upper Black Squirrel Creek Designated Basin. Of the formations located below the Overlook Subdivision, only the Dawson is considered not-nontributary while the Arapahoe, Denver, and Laramie Fox-Hills aquifers are considered non-tributary. The applicant has rights to withdrawal water from all four (4) formations, though only the use from the Dawson requires an augmentation and replacement plan for all uses. Decree No. 4638-RP defines required return flows to augment depletions from the alluvium through pumping of the not-nontributary Dawson Aquifer. As this proposed subdivision has 20 proposed residences that sit within the Kiowa-Bijou Designated Basin, and 42 proposed residences that sit within the Upper Black Squirrel Creek Designated Basin, the replacement plan addresses both basins. All associated applications, forms, and documentation are included in

#### **Appendix C:**

- There is estimated to be a total of 81.73 AF/year available on a 300-year supply basis out of the Upper Dawson Formation (47.28 AF/year specifically within the Overlook Filing No. 1), both of which are greater than the estimated annual demand of 18.0 AF-year for all thirty-six (36) residential lots. These demands will be served by Denver Aquifer wells as needed.
- Assuming a 0.26 AF/yr domestic use per resident for indoor uses (*per 8.4.7(B)(7)(d) of the EPC Land Development Code*) with 90% return flows through the non-evaporative septic system per resident, this results in a 0.234 AF/yr return flow back through the septic system per residence, or 8.424 AF/year total for the thirty-six residences in Overlook Filing No. 1 available to replace maximum depletions to the alluvium. However, the proposed replacement plan application has estimated a conservative domestic residential use of 0.2 AF/year. This results in a 0.18 AF/yr return flow back through the septic system per residence, or 6.48 AF/year total for the thirty-six residences available to replace maximum depletions to the alluvium. Note that all return flows from septic systems proposed for Overlook Filing No. 1 drain back to the Upper Black Squirrel Designated Basin per the Land Use Exhibit in **Appendix A**.

- Assuming annual pumping of 18.0 AF/year out of the Upper Dawson formation at full build-out, annual depletions to the alluvium are expected to reach 0.8334 AF/year, all of which would come out of the Upper Black Squirrel Designated Groundwater Basin. The estimated 6.48 AF/year of return flows generated from the thirty-six (36) homes located within Overlook Filing No. 1 are sufficient to replace the estimated 0.8334 AF/year of depletions from the Upper Dawson Aquifer. These estimates are represented in the approved decree No. 4638-RP. The documents are included in **Appendix C**.

Conclusion:

The proposed water rights, once acquired following approval of all water rights applications, will be adequate to meet the estimated overall demand and resulting alluvial depletions of 0.8334 acre-feet/year for thirty-six (36) residential lots.

#### 4.3 Description of Proposed Water Rights

The subject area's proposed water rights involve non-renewable supplies in the Denver Basin, further discussed below.

##### Non-Renewable Denver Basin Supply

The Denver Basin is a vast, deep-rock aquifer that stretches from southeast of Colorado Springs to Greeley, and from the base of the front range to the eastern end of Elbert County. Rights granted in the Denver basin are based on the ownership of the surface property – the larger the parcel, the larger the allocation.

Denver Basin water is considered finite and therefore non-renewable. In the subject area, there are four main formations that make up the Denver Basin: Dawson, Denver, Arapahoe, and Laramie-Fox Hills (LFH), described from shallowest to deepest.

## 5.0 WATER SYSTEM FACILITIES AND PHYSICAL SUPPLY

### 5.1 Source of Supply

Supply for the thirty-six (36) residential lots be met with future or existing wells completed in the Upper Dawson aquifer. There is one existing well (Permit # 157064-A) that is currently drilled into the Upper Dawson formation. Any new wells will be drilled, screened, test-pumped, and completed in accordance with the Colorado Division of Water Resources rules and regulations.

### 5.2 Water Treatment

Water from the well located in EPC parcel number 4122000005 was tested on 06/12/23 for constituents required by El Paso County regulations for a confined aquifer. Any desired treatment of existing and future wells will rely on the individual homeowners as this is not considered a *Community System* by the Colorado Department of Public Health and Environment.

### 5.3 Water Storage

Water storage (other than potential individual cisterns or pressure tanks) will not be constructed. Therefore, a central water system with treatment and fire-flow capabilities will not be provided. The residents of each subdivided lot will be made aware of this since it will be included on the subdivision plat.

#### 5.4 *Distribution, Pumping, and Transmission Lines*

Since there is no central water system proposed for this subdivision, no distribution, pumping, or transmission lines will be constructed.

#### 5.5 *Water Quality*

The water quality in the Upper Dawson aquifer in this area has typically been suitable for residential potable use. Water samples were obtained from the existing well located in EPC parcel number 4122000005, (well permit # 157064-A) obtained via an exterior tap on the existing house on this property. Water samples were obtained from this tap on 06/12/2023, with water quality testing performed by Colorado Analytical Laboratories and Hazen Research, Inc., per the El Paso County Land Development Code section 8.4.7(B). The results from this water quality testing can be found in **Appendix D**. All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs) except for Total Coliform which was found to be present. A second sample was collected from the same location on 08/10/23 and a standard bacteriological test was performed by El Paso County Public Health Laboratory. This second test also showed the presence of Total Coliform. It is suspected that the outdoor tap used for the sample collection was contaminated and that the well and aquifer are not the source of the presence of Total Coliform.

Because of the absence of E. Coli and all other sampled and analyzed constituents were below all primary and secondary standards, the proposed water source emanating from the Dawson Aquifer is deemed safe for public consumption.

### **6.0 EL PASO COUNTY MASTER PLANNING ELEMENTS**

#### 6.1 *County Water Master Plan 2040 and 2060 Projections*

The subject property lies on the dividing line between two El Paso County Water Master Planning areas, with the north portion of the property in Region 4a and the southern portion of the property in Region 4c.

#### 6.2 *Buildout (Including 2040 and 2060 Buildout):*

Expected buildout of the subject property (Overlook Filing No. 1) are thirty-six (36) total lots. Demands for the entire subdivision are listed in Section 3.0 of this report, which include a total demand of 18.0 AF/year as described in the approved decree No. 4638-RP.

#### 6.3 *Description of Long-Term Planning and Future Sources of Supply*

Per El Paso County criteria, the 300-year supply of water for the subject property appears to be more than adequate for full buildout, which would include both the

2040 and 2060 scenarios. However, the proposed supply in the Upper Dawson aquifer is based on non-renewable sources.

If needed beyond the 300-year supply, the subdivision has applied for nontributary water rights in the Arapahoe and Laramie-Fox Hills formations. In addition, the Overlook Subdivision may also elect to connect the existing Park Forest District for Central Water System supplies if the existing not-nontributary Dawson Aquifer does not have sufficient water to meet projected full build-out demands.

#### 6.4 *Water System Interconnects*

The closest source for a potential interconnect is the Park Forest Water District—approximately 8.52 miles to the southwest. Park Forest Water District does include central water service which is sized to serve the existing demands within its service area.

It is not anticipated (and Park Forest Water District has not been contacted) that an interconnect is needed or warranted to supply water to the Overlook Subdivision. However, if Denver basin supplies are not sufficient to provide adequate water supply to the Overlook Subdivision, an interconnect with the Park Forest Water District may be considered.

## 7.0 CONCLUSION

**The subject property has adequate water supply to meet the needs of the proposed subdivision on a 300-year basis.**

# *Appendix A*

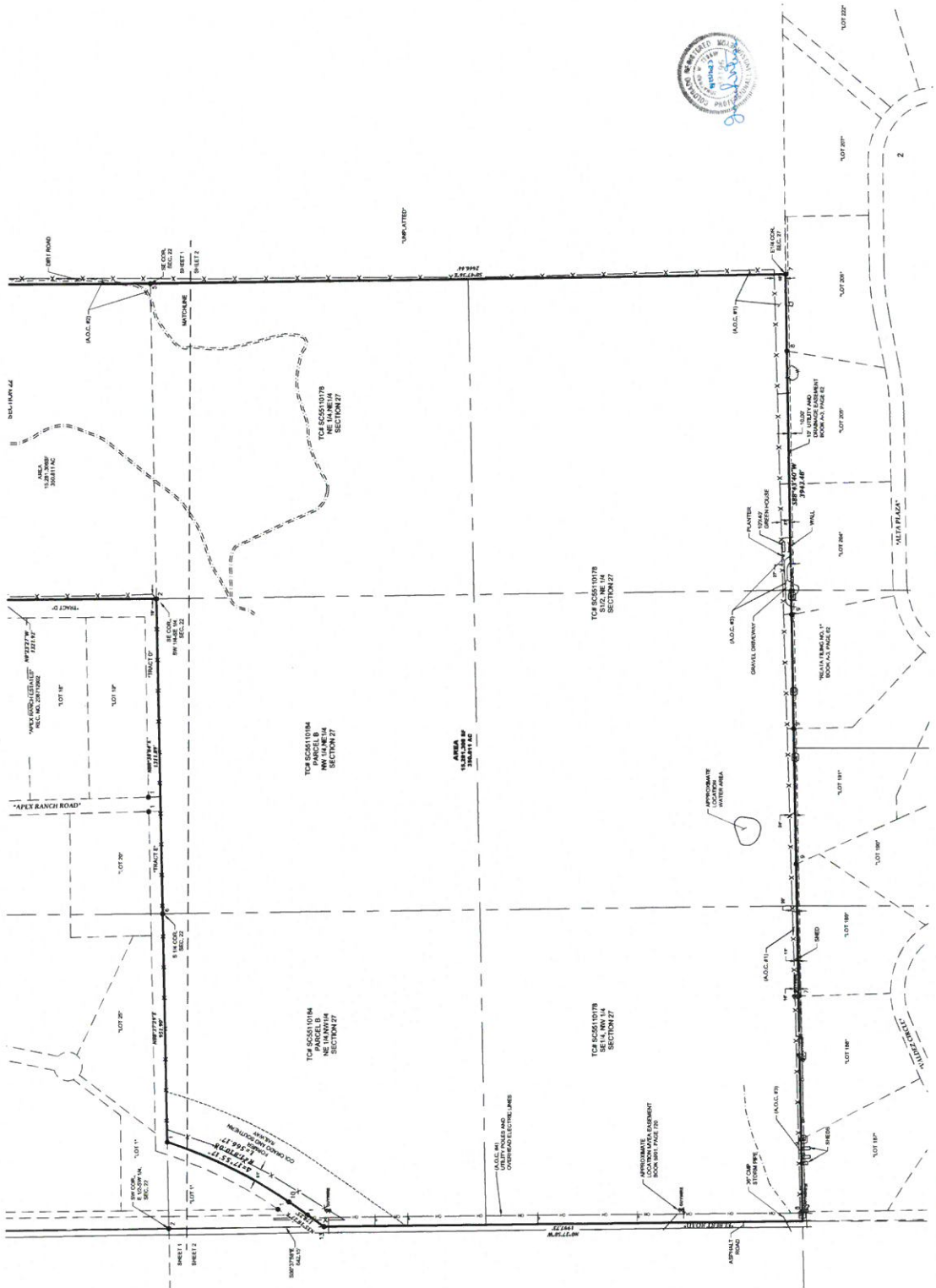






# ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



- LEGEND:**
- 1 FOUND NO. 5 REBAR AND CHANGE PLASTIC CAP STAMPED "CLS PLS 3245"
  - 2 FOUND NO. 5 REBAR AND CHANGE PLASTIC CAP STAMPED "CLS PLS 3027"
  - 3 FOUND 3.0" ALUMINUM CAP STAMPED "PLS 3027"
  - 4 FOUND 2.5" ALUMINUM CAP STAMPED "PLS 2765"
  - 5 FOUND 2.5" ALUMINUM CAP STAMPED "PLS 2869"
  - 6 FOUND 1.5" ALUMINUM CAP STAMPED "PLS 1411"
  - 7 FOUND NO. 4 REBAR AND YELLOW PLASTIC CAP STAMPED "MAY 2654"
  - 8 FOUND NO. 4 REBAR AND YELLOW PLASTIC CAP-ILLEGIBLE
  - 9 FOUND NO. 4 REBAR
  - 10 FOUND NO. 5 REBAR AND YELLOW PLASTIC CAP-ILLEGIBLE
  - 11 FOUND 2.5 ALUMINUM CAP STAMPED "PLS 3027"
  - 12 SET NO. 5 REBAR AND YELLOW PLASTIC CAP STAMPED "EDWARD-JAMES PLS 3218"
  - 13 ADJACENT PROPERTY LOT LINE
  - PROPERTY BOUNDARY LINE
  - EASEMENT LINE
  - OVERHEAD ELECTRIC LINE
  - FENCE LINE
  - DIRT ROAD/TRAIL
  - UTILITY POLE
  - GUY ANCHOR WIRE
  - TELEPHONE PEG/STAL
  - ELECTRIC METER BOX
  - PROPANE TANK
  - CLEAN OUT
  - WELL PIPE
  - SOON
  - AREA NOT PART OF THIS SURVEY

NO.	REVISIONS	DATE

**EDWARD-JAMES SURVEYING, INC.**  
 4732 Regent Circle  
 926 Elmon Drive  
 Colorado Springs, CO 80907  
 Office: (719) 576-1216  
 Fax: (719) 576-1206  
 Office: (719) 545-6240  
 Pueblo, CO 81008  
 Fax: (719) 545-6247

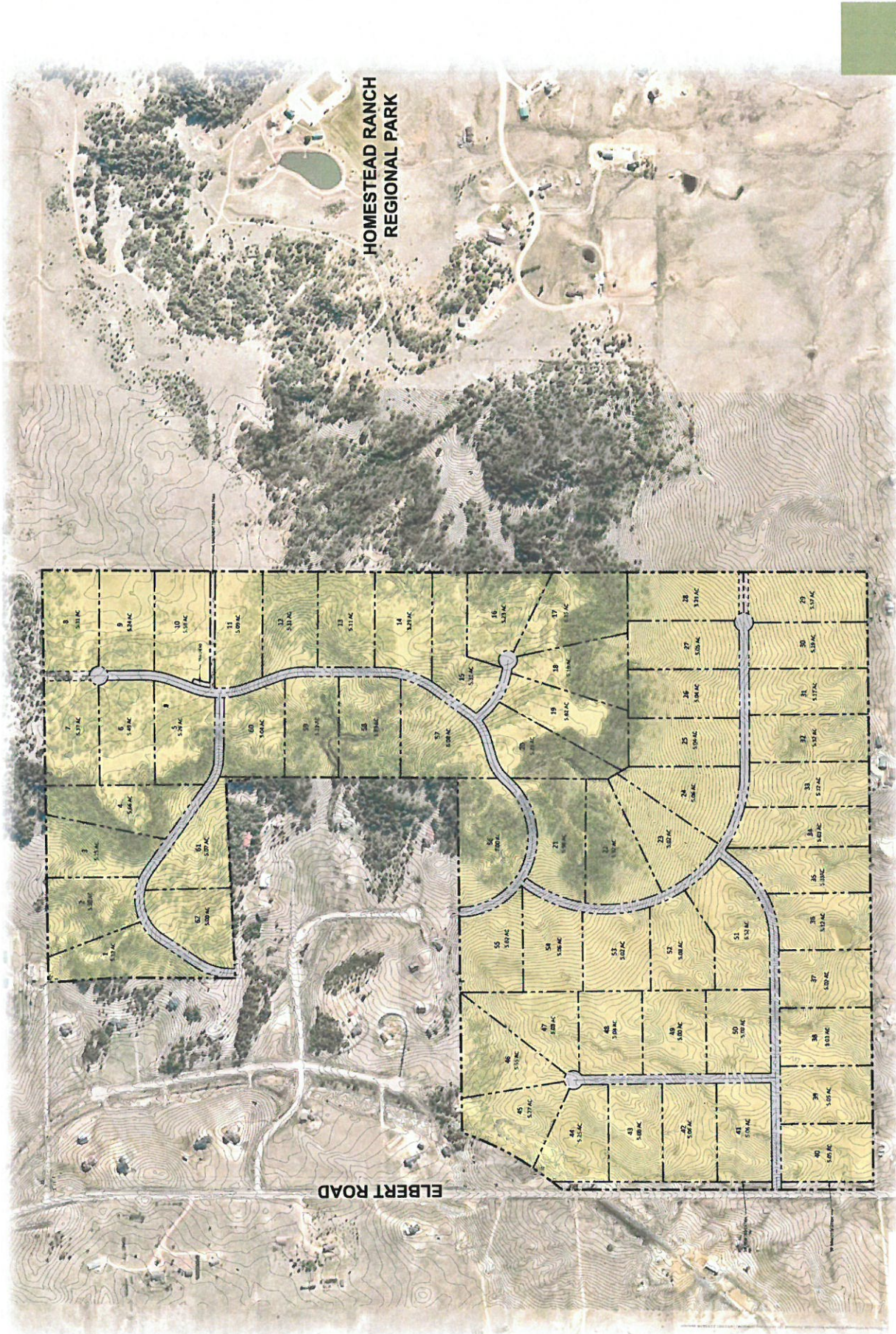


**ALTA/NSPS LAND TITLE SURVEY**  
 A PORTION OF SECTION 22 AND PORTION OF SECTION 27  
 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.  
 COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY	BVG
CHECKED BY	JMT
SCALE	1" = 200'
DATE CREATED	08/24/23
DATE ISSUED	08/24/23
SHEET NO.	3 OF 2









# *Appendix B*

## WATER SUPPLY INFORMATION SUMMARY

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

1. NAME OF DEVELOPMENT AS PROPOSED		<u>Overlook Subdivision</u>	
2. LAND USE ACTION		<u>Subdivision</u>	
3. NAME OF EXISTING PARCEL AS RECORDED		<u>Elbert Rd</u>	
SUBDIVISION	<u>See Above</u>	FILING	<u>N/A</u>
BLOCK	<u>N/A</u>	Lot	<u>N/A</u>
4. TOTAL ACERAGE	<u>202.711</u>	5. NUMBER OF LOTS PROPOSED	<u>36</u>
PLAT MAPS ENCLOSED			
6. PARCEL HISTORY - Please attach copies of deeds, plats, or other evidence or documentation. (In submittal package)			
A. Was parcel recorded with county prior to June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
B. Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, describe the previous action			
7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner. (In submittal)			
A Portion of Section 22 and a Portion of Section 27, Township 11 S <span style="float: right;"><input type="checkbox"/> N   S RANGE <u>64</u> <input type="checkbox"/> E <input checked="" type="checkbox"/> W</span>			
PRINCIPAL MERIDIAN: <input checked="" type="checkbox"/> 6TH <input type="checkbox"/> N.M. <input type="checkbox"/> UTE <input type="checkbox"/> COSTILLA			
8. PLAT - Location of all wells on property must be plotted and permit numbers provided.			
Surveyors plat <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		If not, scaled hand-drawn sketch <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Foot per Year		10. WATER SUPPLY SOURCE	
HOUSEHOLD USE # <sup>1</sup>	<u>36</u> of units <u>0.260</u> AF/SFE/YR <u>9.360</u> AF	<input type="checkbox"/> EXISTING <input type="checkbox"/> DEVELOPED	<input checked="" type="checkbox"/> NEW WELLS
COMMERCIAL USE #	<u>0</u> SF <u>-</u> GPD <u>-</u> AF	WELLS SPRING	Proposed Aquifers - (Check One)
IRRIGATION <sup>2</sup>	<u>0.0566</u> AF/1000SF <u>6,299</u> GPD <u>7.056</u> AF	WELL PERMIT NUMBERS	<input type="checkbox"/> Alluvial <input type="checkbox"/> Upper Arapahoe
ANIMAL WATERING <sup>3</sup>	<u>144</u> Horses <u>0.011</u> AF/Horse/Year <u>1.584</u> AF	<u>1157064-A (to be cancelled)</u>	<input checked="" type="checkbox"/> Upper Dawson <input type="checkbox"/> Lower Arapahoe
TOTAL	<u>16,070</u> GPD <u>18.00</u> AF*	<input type="checkbox"/> MUNICIPAL	<input type="checkbox"/> Lower Dawson <input type="checkbox"/> Laramie Fox
		<input type="checkbox"/> ASSOCIATION	<input type="checkbox"/> Denver <input type="checkbox"/> Dakota
		<input type="checkbox"/> COMPANY	<input type="checkbox"/> Other
		<input checked="" type="checkbox"/> DISTRICT	WATER COURT DECREE CASE NUMBERS
		NAME: <u>N/A</u>	<u>Decree 4638-BD</u>
		LETTER OF COMMITMENT FOR	<u>Decree 4638-RP</u>
		SERVICE - N/A <input type="checkbox"/> YES <input type="checkbox"/> N	
11. ENGINEER'S WATER SUPPLY REPORT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <span style="float: right;">If yes, please forward with this form. (This may be required before our review is completed)</span>			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
<input checked="" type="checkbox"/> SEPTIC TANK/LEACH FIELD		<input type="checkbox"/> CENTRAL SYSTEM - DISTRICT NAME:	
<input type="checkbox"/> LAGOON		<input type="checkbox"/> VAULT - LOCATION SEWAGE HAULED	
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design)		<input type="checkbox"/> OTHER:	

<sup>1</sup> Per Section 8.4.7(B)(7)(d) of the EPC-LDC for general residential use

<sup>2</sup> Assuming 3,463 ft<sup>2</sup> of irrigable land per lot @ 0.0566AF/year/1,000 ft<sup>2</sup>

<sup>3</sup> Assuming 4 large animals per lot @ 0.011 AF/year/animal

# *Appendix C*

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR REPLACEMENT PLAN TO ALLOW THE WITHDRAWAL OF GROUNDWATER FROM THE DAWSON AQUIFER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

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REPLACEMENT PLAN NO. 4638-RP

FOR DETERMINATION OF WATER RIGHT NO. 4638-BD

AQUIFER: DAWSON

APPLICANT: PT OVERLOOK LLC

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In compliance with section 37-90-107.5, C.R.S. and the Designated Basin Rules, 2 CCR 410-1 (Rules or Rule), PT Overlook LLC (Applicant) submitted an application for a replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer that has been allocated by Determination of Water Right No. 4638-BD.

**FINDINGS**

1. Pursuant to section 37-90-107(7), C.R.S., in a Findings and Order dated January 29, 2024, the Ground Water Commission (Commission) approved a Determination of a Right to an Allocation of Groundwater, No. 4638-BD, from the Dawson Aquifer (Aquifer), summarized as follows.
  - a. The determination quantified an amount of water from beneath 350.811 acres of overlying land generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land).
  - b. The amount of water in the aquifer that was allocated was 24,518 acre-feet, and the allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 245.18 acre-feet per year (subject to adjustment by the Commission to conform to actual local aquifer characteristics).
  - c. The use of groundwater is limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage.
  - d. Withdrawal of the subject groundwater will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, the groundwater is considered to be not-nontributary, and Commission approval of a replacement plan providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to withdraw the subject groundwater.
2. The subject water is Designated Groundwater located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over

the withdrawal of the water by large capacity wells that are permitted pursuant to section 37-90-107(7).

3. Withdrawal of the subject groundwater would deplete the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, all of which, according to Rules 5.2.4.2, 5.2.7.2 and 5.2.6.2, respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing large capacity alluvial rights withdrawing water from those alluvial aquifers.
4. Pursuant to Rule 5.6.1.A this plan must be adequate to prevent any material injury to water rights of other appropriators, which for purposes of this plan means large capacity wells withdrawing water from the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin.
5. Pursuant to Rule 5.3.6.2(C) the amount of replacement water shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping and if pumping continues beyond 100 years, shall replace actual impact until pumping ceases.
6. The application for the replacement plan was received by the Commission on August 25, 2023.
7. The Applicant proposes to divert 31 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through 62 individual wells to be located on 62 residential lots. Each Dawson Aquifer well is proposed to divert 0.5 acre-foot of water annually for domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The land on which the wells will be located is the Overlying Land described above.
8. At a continuous withdrawal of 31 acre-feet annually for 300 years, depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Groundwater Basin, Upper Big Sandy Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Basin would steadily increase to 1.44 acre-feet per year in the 300th year, which is equal to 4.63% of pumping, as shown in Exhibit A.
9. The Applicant proposes to provide 11.16 acre-feet per year of replacement water to the alluvial aquifer systems of the Upper Black Squirrel Creek Designated Groundwater Basin and Kiowa Bijou Designated Groundwater Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the groundwater to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. Assuming each lot uses a minimum annual amount for in-house use of 0.20 acre-foot, the return flow per lot would be 0.18 acre-feet annually, and the return flows under the plan will total 11.16 acre-feet per year for all 62 lots at full build out.
10. The subject property is located within the drainages of Kiowa Bijou and Black Squirrel Creek, and the return flows will flow to the alluvial aquifers of the Kiowa Bijou Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Bains. The Applicant proposes to aggregate all replacements to the drainage in which the well or



wells will operate, in accordance with Guideline 2007-1.

11. Pursuant to Rule 5.6.1.B this plan must be adequate to prevent unreasonable impairment of water quality. Pursuant to Rule 5.6.1.B.1.b, if the replacement source water is from an onsite wastewater treatment system permitted by a local health agency and the applicant demonstrates the source is in compliance with that permit there shall be a rebuttable presumption of no unreasonable impairment of water quality.
12. Pursuant to Rule 5.6.1.C this plan, including the proposed uses of the water withdrawn pursuant to the plan, must not be speculative, and must be technically and financially feasible and within the Applicant's ability to complete. The plan, including the proposed uses of the water withdrawn pursuant to the plan, is not speculative. The plan appears technically and financially feasible and within the Applicant's ability to complete.
13. Pursuant to Rule 5.6.1.D this plan must be able to be operated and administered on an ongoing and reliable basis. The plan appears to be able to be operated and administered on an ongoing and reliable basis.
14. Pursuant to Rule 5.6.1.F replacement source water must be physically and legally available in time, place and amount to prevent material injury. As determined in Determination of Water Right No. 4638-BD water is currently available in the amounts and for the number of years proposed to be diverted.
15. Pursuant to Rule 5.6.1.G the replacement source water must be legally available for use. Records in this office indicate that the Applicant controls the water right to be used as the source of replacement water, consisting of Determination of Water Right No. 4638-BD, and such water is legally available for use pursuant to this plan.
16. In accordance with Rule 5.6.4 the application was referred to the Upper Black Squirrel Creek Ground Water Management District on November 27, 2023. Written recommendations from the District were received on January 2, 2024.
17. In accordance with sections 37-90-107.5 and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.
18. According to Rule 5.6.1:
  - a. The Applicant has the burden of proving the adequacy of the plan in all respects.
  - b. If the applicant meets its burden of proof, the Commission shall grant approval of the plan which shall include any terms and conditions established by the Commission.
19. The Commission Staff, having evaluated the application pursuant to section 37-90-107.5 and the requirements of Rule 5.3.6.2(C) and Rule 5.6, finds that the requirements have been met, and the plan may be approved to allow diversions from the Dawson Aquifer if operated subject to the conditions given below.

#### **ORDER**

In accordance with section 37-90-107.5, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of

groundwater from the Dawson Aquifer underlying 350.811 acres that are the subject of Determination of Water Right no. 4638-BD is approved subject to the following conditions:

20. The Dawson Aquifer water will be withdrawn through 62 wells to be located on 62 residential lots. Each Dawson Aquifer well is proposed to divert 0.5 acre-foot of water annually for domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The land on which the wells will be located is the Overlying Land described above.
21. The allowed annual amount of groundwater to be withdrawn from the Aquifer by all wells operating under this plan shall not exceed 31 acre-feet. The allowed annual amount of water to be withdrawn from each on-lot well shall not exceed 0.5 acre-foot.
22. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
23. Permanent records of all withdrawals of groundwater from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15<sup>th</sup> of the following year, or more often upon request.
24. Pumping under this plan is limited to a period of 300 years. The year of first use of this replacement plan shall be the calendar year of construction of a well permitted pursuant to this plan or permitting of an existing well pursuant to the plan.
25. Return flows from in-house use of groundwater shall occur through on-lot non-evaporative septic systems located within the 350.811 acres of Overlying Land that are the subject of Determination of Water Right No. 4638-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
26. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A. Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5-year increment.
27. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan. The annual replacement requirement and the annual amount of replacement water provided shall be calculated and reported on a form acceptable to the Commission. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.
28. The Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer.
29. To assure adequate return flows, the number of wells serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system must be equal to or greater than the number of wells shown in Table 1, or an amended or alternate

replacement plan must be obtained that will replace actual depletions to the alluvial aquifer so as to prevent any material injury to water rights of other appropriators.

Table 1

Year	No. of Single-Family Dwellings	Return Flows (af/yr)
0-14	0	0
15-60	1	0.18
61-95	2	0.36
96-130	3	0.54
131-160	4	0.72
161-195	5	0.90
196-230	6	1.08
231-265	7	1.26
266-300	8	1.44

30. The Applicant (or their successors) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not limited to those items identified below. The Applicant must submit records to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15<sup>th</sup> of the following year, or more often upon request. The Applicant or their successor(s) must provide combined accounting for all wells operated under this replacement plan on a single accounting form, unless otherwise approved by the Commission.
  - a. Identification of all well permits issued and wells constructed under this plan.
  - b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
  - c. The number of occupied single family dwellings served by each well.
  - d. The return flows occurring from use of all wells operating under the plan, assuming 0.18 acre-feet per year per occupied single family dwelling (90% of the water used for in-house purposes) enters the alluvial aquifer as replacement water.
  - e. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
31. The Applicant (or their successors) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, identification of the well that was sold and evidence that the new owner has been notified of their responsibilities under the replacement plan shall accompany that year's accounting.
32. Any covenants adopted for this subdivision should contain a description of the replacement plan, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be reported and the plan is to be administered.

33. In the event the permitted well or wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting groundwater.
34. All terms and conditions of Determination of Water Right No. 4638-BD must be met.
35. Pursuant to Rule 5.6.1.E, a copy of this Findings and Order shall be recorded by the Applicant in the clerk and recorder's records of El Paso County, so that a title examination of the land on which the structures involved in this plan are located reveals the existence of this plan.

Dated this 29th day of January, 2024.

  
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Tracy L. Kosloff, P.E.  
Acting Executive Director  
Colorado Ground Water Commission

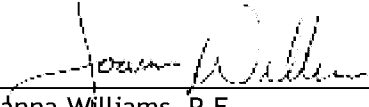
By:   
\_\_\_\_\_  
Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

Exhibit A  
Replacement Plan - Determination No.: 4638-BD  
Page 1 of 1

Designated Basin Summary Table for PT Overlook LLC Pumping Rate of 31 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Sec. 22 & 27, T11S, R64W, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
5	31.0	0.00	0.00	155	31.0	0.68	2.20
10	31.0	0.00	0.02	160	31.0	0.71	2.29
15	31.0	0.01	0.04	165	31.0	0.74	2.38
20	31.0	0.02	0.07	170	31.0	0.76	2.47
25	31.0	0.03	0.10	175	31.0	0.79	2.55
30	31.0	0.05	0.15	180	31.0	0.82	2.64
35	31.0	0.06	0.20	185	31.0	0.84	2.72
40	31.0	0.08	0.26	190	31.0	0.87	2.81
45	31.0	0.10	0.33	195	31.0	0.90	2.90
50	31.0	0.12	0.40	200	31.0	0.93	2.98
55	31.0	0.15	0.47	205	31.0	0.95	3.07
60	31.0	0.17	0.55	210	31.0	0.98	3.16
65	31.0	0.19	0.63	215	31.0	1.00	3.24
70	31.0	0.22	0.71	220	31.0	1.03	3.33
75	31.0	0.25	0.79	225	31.0	1.06	3.41
80	31.0	0.27	0.88	230	31.0	1.08	3.49
85	31.0	0.30	0.96	235	31.0	1.11	3.58
90	31.0	0.33	1.05	240	31.0	1.14	3.66
95	31.0	0.35	1.14	245	31.0	1.16	3.74
100	31.0	0.38	1.22	250	31.0	1.19	3.83
105	31.0	0.41	1.31	255	31.0	1.21	3.91
110	31.0	0.43	1.40	260	31.0	1.24	3.99
115	31.0	0.46	1.49	265	31.0	1.26	4.07
120	31.0	0.49	1.58	270	31.0	1.29	4.15
125	31.0	0.52	1.67	275	31.0	1.31	4.24
130	31.0	0.54	1.76	280	31.0	1.34	4.32
135	31.0	0.57	1.85	285	31.0	1.36	4.40
140	31.0	0.60	1.93	290	31.0	1.39	4.48
145	31.0	0.63	2.02	295	31.0	1.41	4.56
150	31.0	0.65	2.11	300	31.0	1.44	4.63

Created by Wenli Dickinson on September 19, 2023

Values for 'Depletion as a % of Pumping' (q/Q) are not calculated when the pumping rate (Q) is changed to anything but zero

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

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DETERMINATION NO.: 4638-BD

AQUIFER: Dawson

APPLICANT: PT Overlook, LLC

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Dawson Aquifer.

**FINDINGS**

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Dawson aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated October 27, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 24,600 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 20 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 350 feet.
8. A review of the records in the Office of the State Engineer has disclosed that a well operating pursuant to section 37-90-105, C.R.S., (i.e. a small-capacity well), permit no. 157064-A, is located on the Overlying Land and is permitted to withdraw 1 acre-foot per year of groundwater from the Aquifer from beneath the Overlying Land. The applicant has indicated that permit no. 157064-A will be canceled and the well re-permitted to operate pursuant to this Determination. The amount of water considered to have been historically withdrawn from the aquifer by this well is 82 acre-feet. In applying Rule 5.3.2.5 of the Designated Basin Rules to computing the amount of water available for allocation in this Determination, the amount of groundwater in the Aquifer underlying the Overlying Land available for allocation in this Determination is reduced by 82 acre-feet to 24,518 acre-feet. Except for that well, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the Aquifer underlying the Overlying Land.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 24,518 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 245.18 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits

issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or an alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is considered to be not-nontributary groundwater as defined in Rule 4.2.23 of the Designated Basin Rules. Withdrawal of water from the Aquifer underlying the Overlying Land would impact the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators, is required prior to approval of well permits for wells to be located on this land area to withdraw the groundwater in the Aquifer underlying the Overlying Land. Pursuant to the Rules the replacement plan shall provide for the depletion of the alluvial water for the first 100 years due to all previous pumping, and if pumping continues beyond 100 years shall replace actual impact until pumping ceases, assuming water table conditions in the Aquifer.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

#### ORDER

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Dawson Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section



27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

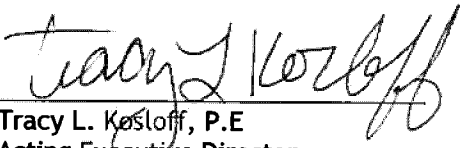
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 24,518 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
  - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 24,518 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
  - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
  - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
  - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
  - e. Commission approval of a replacement plan, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators in the alluvial aquifer, is required prior to approval of well permits that allow the withdrawal of the Underlying Groundwater. The replacement plan shall provide for the depletion of the alluvial water for the first 100 years due to all previous pumping, and if pumping continues beyond 100 years shall replace actual impact until pumping ceases, assuming water table conditions in the Aquifer.

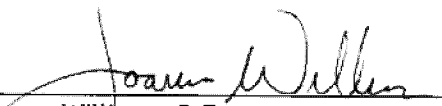
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
  - g. The wells must be located on the above described 350.811 acres of Overlying Land.
  - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - i. The wells must be constructed to withdraw water from only the Dawson Aquifer.
  - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. Existing well permit no. 157064-A must be canceled and a new permit issued for that well to operate pursuant to this Determination.
  21. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
  22. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Determination No.: 4638-BD  
Aquifer: Dawson  
Applicant: PT Overlook, LLC

Page 6

Dated this 29th day of January, 2024.

  
Tracy L. Kosloff, P.E.  
Acting Executive Director  
Colorado Ground Water Commission

By:   
Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

Prepared by: wad  
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Form no. **DIVISION OF WATER RESOURCES**  
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
(7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

Exhibit A  
Determination no. 4638-BD  
Page 1 of 4

RCVD DWR  
11/15/2023

## NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.

1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR

2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.

NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form. Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant PT Overlook, LLC			
Mailing Address 1864 Woodmoor Dr # 100	City Monument	State Colorado	Zip Code 80132
Telephone Number (include area code) (719) 476-0800	Email <a href="mailto:abiggs@proterra.com">abiggs@proterra.com</a> / <a href="mailto:wjt@cowaterlaw.com">wjt@cowaterlaw.com</a>		
<b>2. AQUIFER</b> Dawson			
<b>3. CLAIM OF OWNERSHIP</b> – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located. Number of acres: <u>350.811</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description).  See attached  - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE</b> – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>10/27/2023</u> Print name and title: <u>W. James Tilton, Attorney</u>			

# ALTA/NSPS LAND TITLE SURVEY

## A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

RCVD DWR  
11/15/2023

### LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22 AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING PART OF THE ALTA/NSPS LAND TITLE SURVEY OF THE SOUTHWEST QUARTER OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, AS SHOWN ON THE PLAT OF SAID SURVEY RECORDED IN BOOK 2, PAGE 184 OF THE PUBLIC RECORDS OF SAID COUNTY.

### GENERAL NOTES:

1. THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, IS PART OF THE ALTA/NSPS LAND TITLE SURVEY OF THE SOUTHWEST QUARTER OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, AS SHOWN ON THE PLAT OF SAID SURVEY RECORDED IN BOOK 2, PAGE 184 OF THE PUBLIC RECORDS OF SAID COUNTY.

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### GENERAL NOTES:

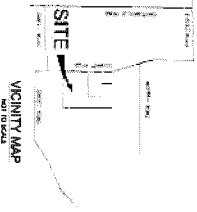
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### THE NOTES:

1. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ALTA/NSPS SURVEYING STANDARDS AND PRACTICES AS SET FORTH IN THE ALTA/NSPS SURVEYING ACT AND THE ALTA/NSPS SURVEYING REGULATIONS. THE SURVEY WAS MADE BY A LICENSED SURVEYOR AND THE RESULTS ARE AS SHOWN ON THE PLAT OF SAID SURVEY RECORDED IN BOOK 2, PAGE 184 OF THE PUBLIC RECORDS OF SAID COUNTY.

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**EDWARD-JAMES SURVEYING, INC.**  
526 Elkton Drive  
Colorado Springs CO 80907  
Office: (719) 576-1716  
Fax: (719) 576-1206

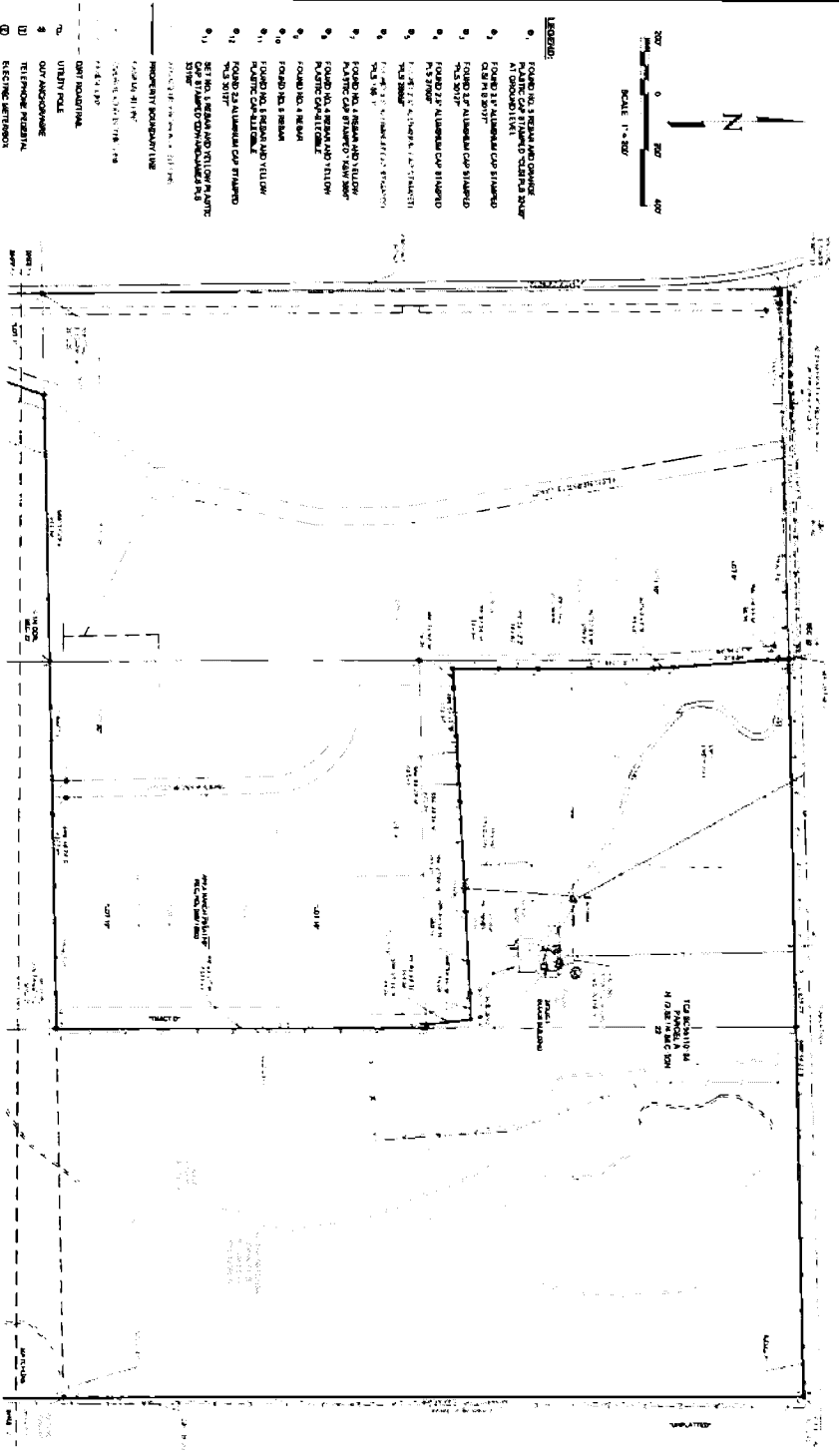
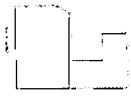
4732 Eagleidge Circle  
Pueblo CO 81008  
Office: (719) 545-6240  
Fax: (719) 545-6247

**ALTA/NSPS LAND TITLE SURVEY**  
A PORTION OF SECTION 22 AND PORTION OF SECTION 27  
TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.  
COUNTY OF EL PASO, STATE OF COLORADO

NO.	DATE	BY	REVISION
1	11/15/2023	[Signature]	INITIAL SURVEY

# ALTA/NSPS LAND TITLE SURVEY

## A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



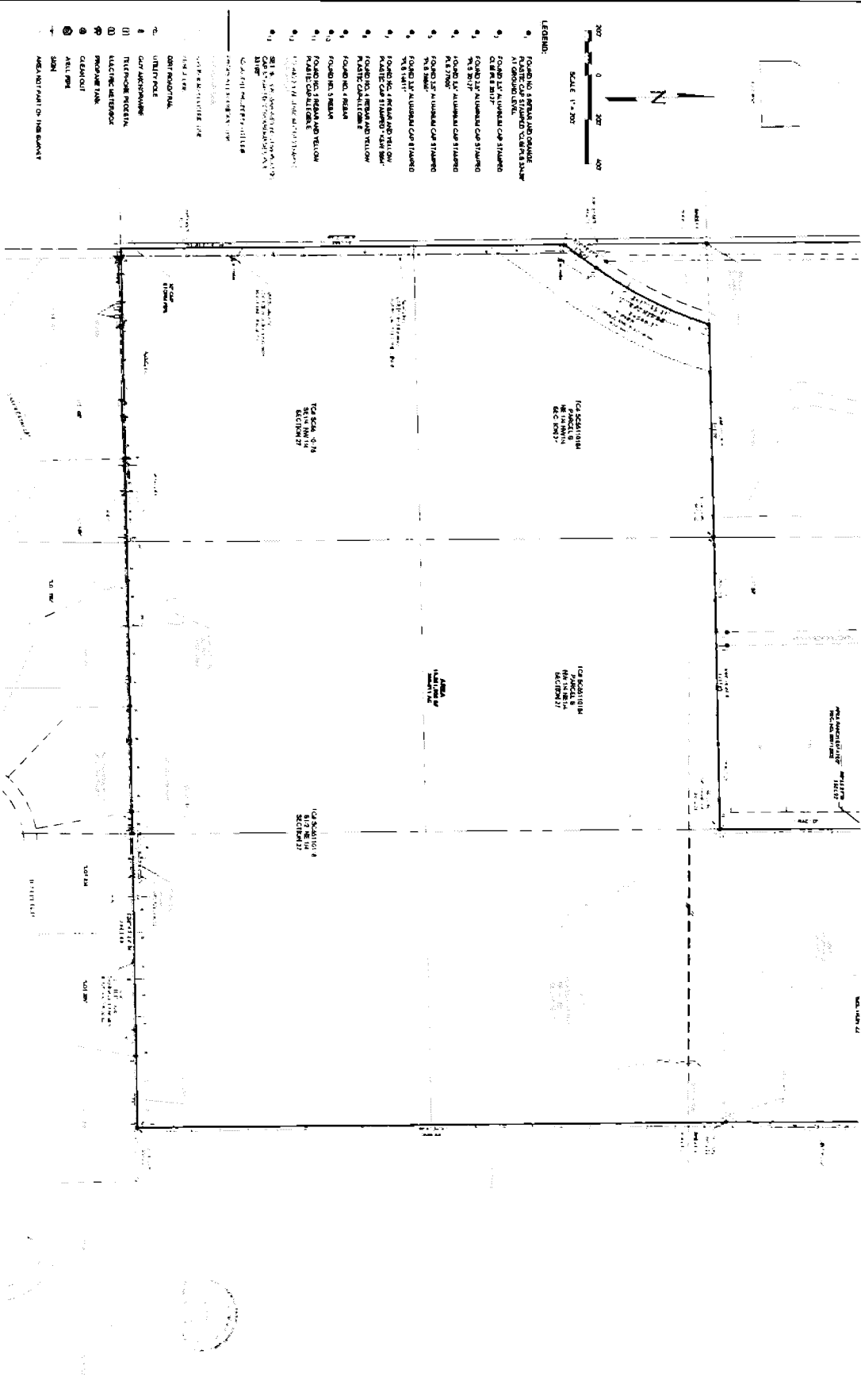
- LEGEND:**
- 1. FOUND NO. 1 REBAR AND YELLOW PLASTIC CAP STAKED CENTER STAKE AT DISCRETE POINT
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Exhibit A  
 Determination no. 4638-BD  
 Page 4 of 4

RCVD DWR  
 11/15/2023

**ALTA/NSPS LAND TITLE SURVEY**  
 A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH,  
 RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



**LEGEND:**

- 1 FOUND TO A SURVEY POINT OR STAKE
- 2 FOUND TO A SURVEY POINT OR STAKE AT BOUNDARY LINE
- 3 FOUND BY ALUMINUM CAP STAKED
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<p>ALTA/NSPS LAND TITLE SURVEY</p> <p>A PORTION OF SECTION 22 AND A PORTION OF SECTION 27          TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.          COUNTY OF EL PASO, STATE OF COLORADO</p>	 <p><b>EDWARD-JAMES SURVEYING, INC.</b>          926 Elation Drive          Colorado Springs, CO 80907          Office: (719) 576-1216          Fax: (719) 576-1206</p> <p>4732 Eagleidge Circle          Pueblo, CO 81008          Office: (719) 545-6240          Fax: (719) 545-6247</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">REV</th> <th style="width: 70%;">REVISION</th> <th style="width: 20%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	REVISION	DATE															
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**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

---

DETERMINATION NO.: 4637-BD

AQUIFER: Denver

APPLICANT: PT Overlook, LLC

---

In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Denver Aquifer.

**FINDINGS**

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Denver aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated August 24, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.



7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 17,900 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 300 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 17,900 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 17,900 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 179 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

#### **ORDER**

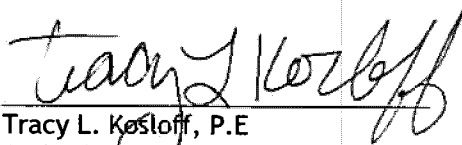
In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Denver Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

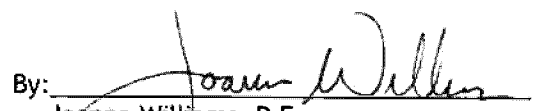
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 17,900 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).

19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
- a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 17,900 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
  - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
  - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
  - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
  - e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
  - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
  - g. The wells must be located on the above described 350.811 acres of Overlying Land.
  - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- i. The wells must be constructed to withdraw water from only the Denver Aquifer.
  - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 29th day of January, 2024.

  
Tracy L. Kosloff, P.E.  
Acting Executive Director  
Colorado Ground Water Commission

By:   
Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

Prepared by: wad  
F&O4637-BD.doc

Form no. **DIVISION OF WATER RESOURCES**  
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
(7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

Exhibit A  
Determination no. 4637-BD  
Page 1 of 4

RCVD DWR  
11/15/2023

## NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.

1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR

2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.

NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form. Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant PT Overlook, LLC			
Mailing Address 1864 Woodmoor Dr # 100	City Monument	State Colorado	Zip Code 80132
Telephone Number (include area code) (719) 476-0800		Email <a href="mailto:abiggs@proterrace.com">abiggs@proterrace.com</a> / <a href="mailto:wjt@cowaterlaw.com">wjt@cowaterlaw.com</a>	
<b>2. AQUIFER</b> Denver			
<b>3. CLAIM OF OWNERSHIP</b> – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located. Number of acres: <u>350.811</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description).  See attached  - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE</b> – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>8/24/2023</u> Print name and title: <u>W. James Tilton, Attorney</u>			



# ALTA/NSPS LAND TITLE SURVEY

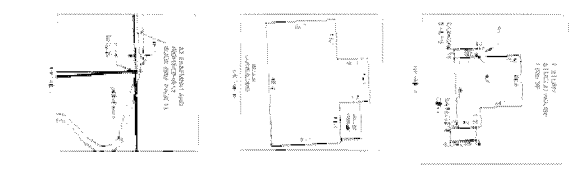
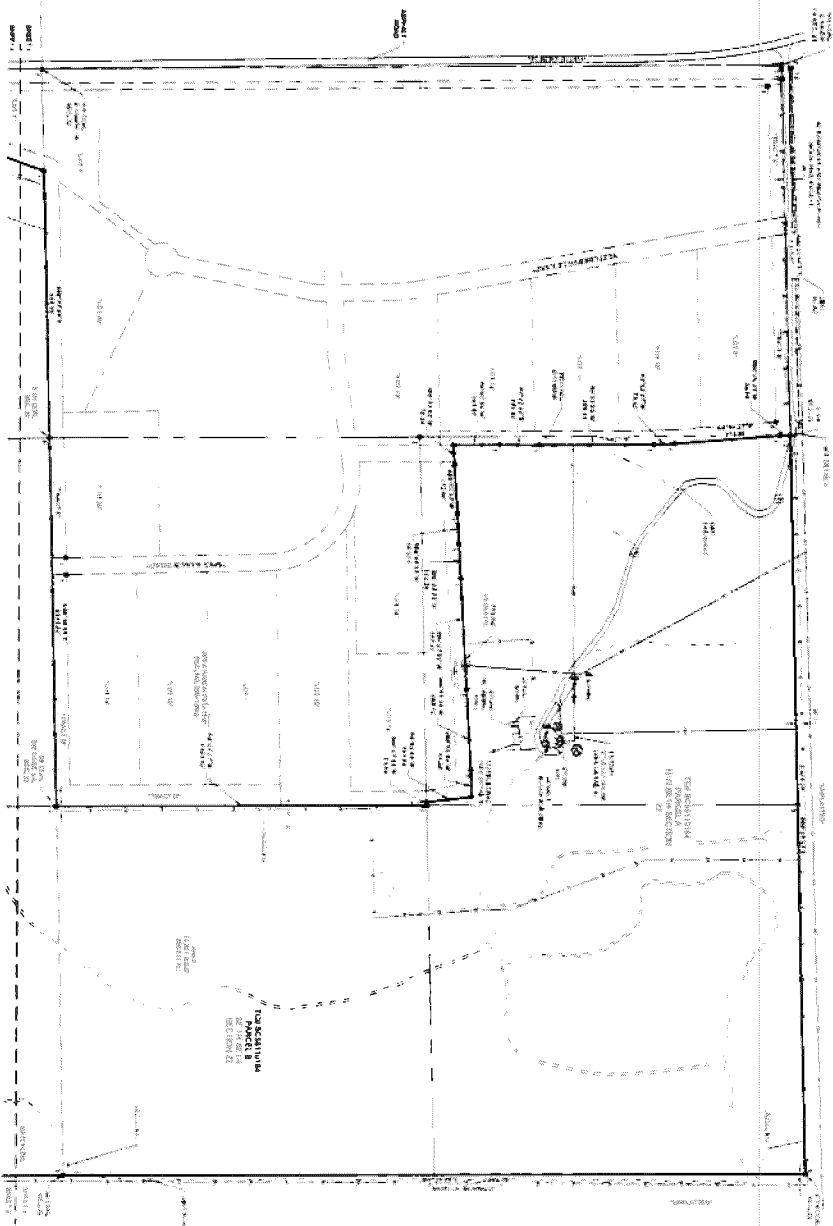
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SCALE 1" = 200'

**LEGEND**

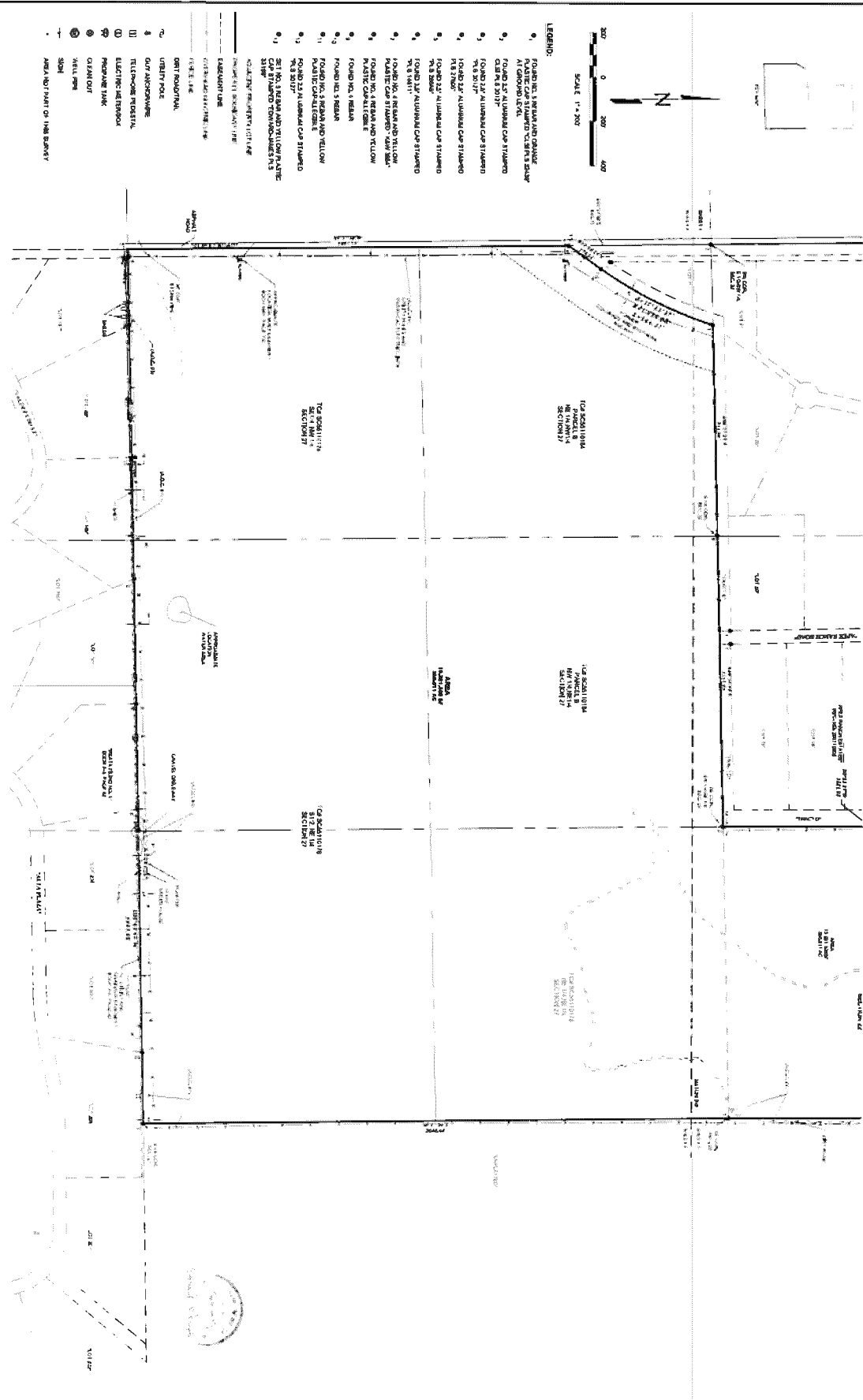
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<b>ALTA/NSPS LAND TITLE SURVEY</b>  A PORTION OF SECTION 22 AND PORTION OF SECTION 27 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO	 <b>EDWARD-JAMES SURVEYING, INC.</b> 926 E. Main Drive Colorado Springs, CO 80907 Office: (719) 576-1236 Fax: (719) 576-1206	4782 EagleVillage Circle Pueblo, CO 81008 Office: (719) 545-6240 Fax: (719) 545-6247	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 70%;">REVISIONS</th> <th style="width: 20%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS	DATE									
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 SHEET NO. 3 OF 3

**ALTA/NSPS LAND TITLE SURVEY**  
 A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH,  
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<p><b>ALTA/NSPS LAND TITLE SURVEY</b></p> <p>A PORTION OF SECTION 22 AND PORTION OF SECTION 27          TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.          COUNTY OF EL PASO, STATE OF COLORADO</p>	 <p><b>EDWARD-JAMES SURVEYING, INC.</b></p> <p>926 Elkton Drive          Colorado Springs, CO 80907          Office: (719) 576-1226          Fax: (719) 576-1206</p>	<p>4732 Esplanade Circle          Pueblo, CO 81008          Office: (719) 545-6240          Fax: (719) 545-6247</p>													
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**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

---

DETERMINATION NO.: 4636-BD

AQUIFER: Arapahoe

APPLICANT: PT Overlook, LLC

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Arapahoe Aquifer.

**FINDINGS**

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Arapahoe aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated August 24, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 12,500 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 210 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 12,500 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 12,500 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 125 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

#### ORDER

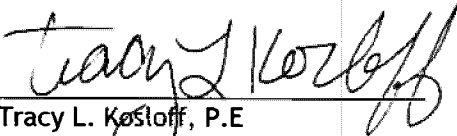
In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Arapahoe Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

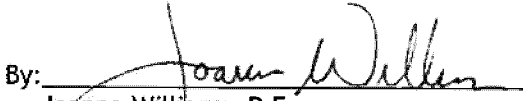
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 12,500 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).

19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
- a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 12,500 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
  - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
  - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
  - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
  - e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
  - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
  - g. The wells must be located on the above described 350.811 acres of Overlying Land.
  - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- i. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.
  - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 29th day of January, 2024.

  
Tracy L. Kosloff, P.E.  
Acting Executive Director  
Colorado Ground Water Commission

By:   
Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

Prepared by: wad  
F&O4636-BD.doc

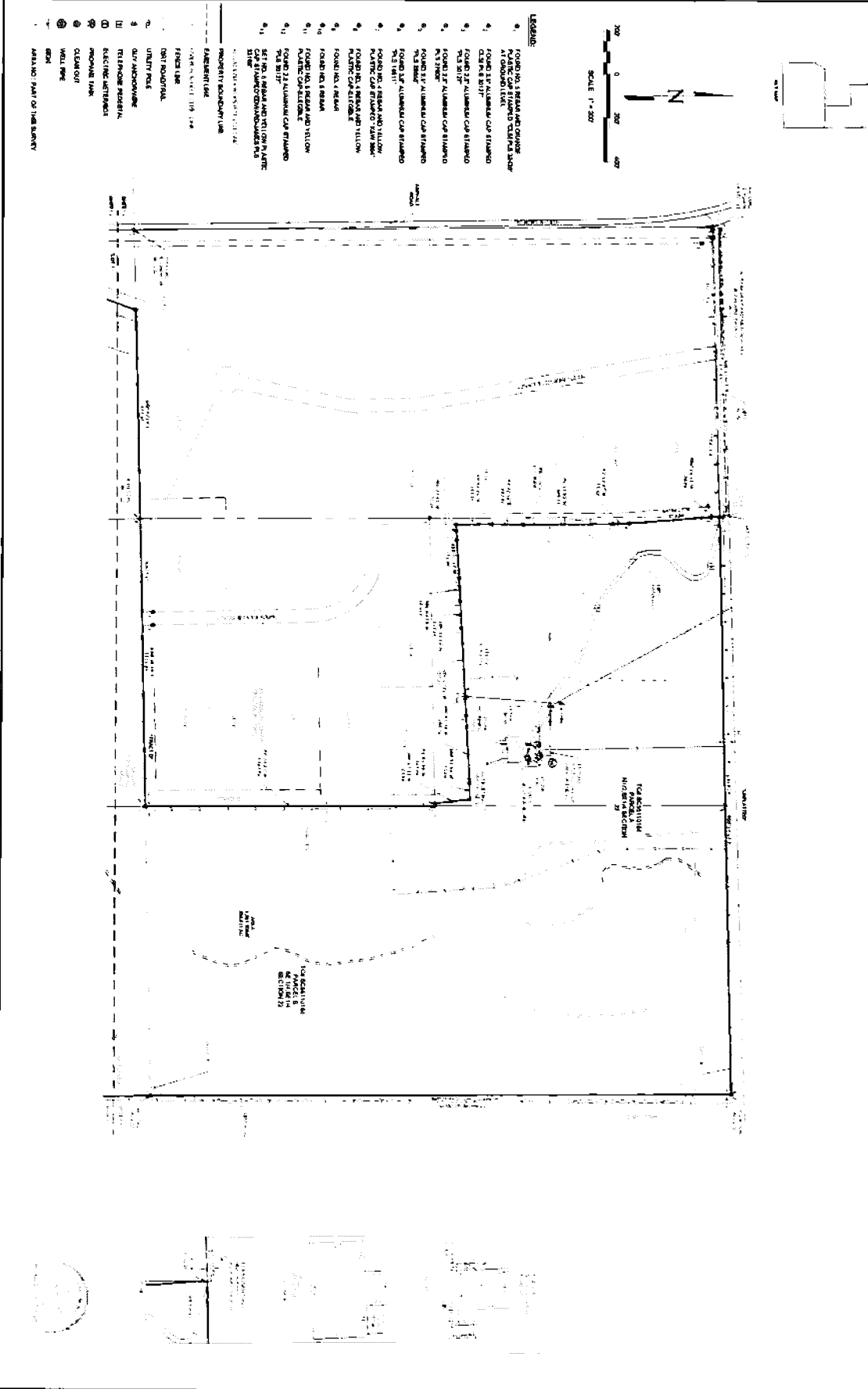




Exhibit A  
 Determination no. 4636-BD  
 Page 3 of 4

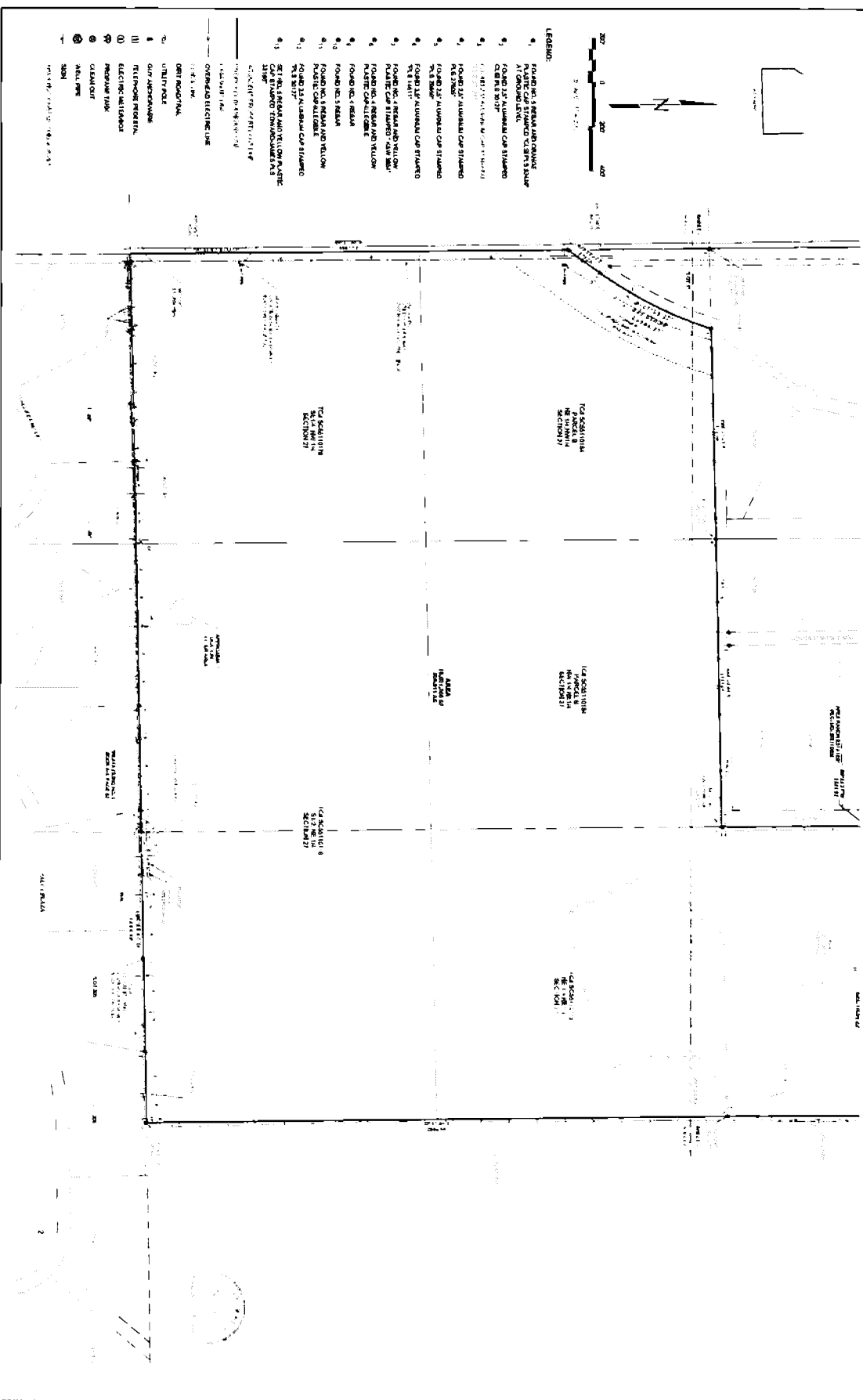
RCVD DWR  
 11/15/2023

**ALTA/NSPS LAND TITLE SURVEY**  
 A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH,  
 RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO





**ALTA/NSPS LAND TITLE SURVEY**  
 A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH,  
 RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



<b>ALTA/NSPS LAND TITLE SURVEY</b> A PORTION OF SECTION 22 AND PORTION OF SECTION 27 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO		<b>EDWARD-JAMES SURVEYING, INC.</b> 1500 S. W. 10th Street Colorado Springs, CO 80907 Office: (719) 576-2216 Fax: (719) 576-2206	REVISIONS NO.      DESCRIPTION      DATE
DATE: 11/15/2023 TIME: 10:00 AM DRAWN BY: [Name] CHECKED BY: [Name]	[Empty space for revisions]		

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

---

DETERMINATION NO.: 4635-BD

AQUIFER: Laramie-Fox Hills

APPLICANT: PT Overlook, LLC

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Laramie-Fox Hills Aquifer.

**FINDINGS**

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Laramie-Fox Hills aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated August 24, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 10,800 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 15 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 205 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 10,800 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 10,800 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 108 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

#### **ORDER**

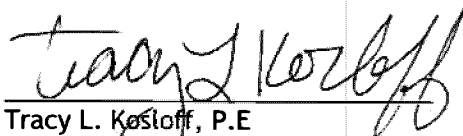
In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Laramie-Fox Hills Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

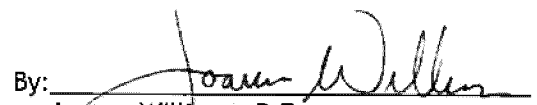
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 10,800 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).

19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
- a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 10,800 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
  - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
  - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
  - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
  - e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
  - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
  - g. The wells must be located on the above described 350.811 acres of Overlying Land.
  - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- i. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer.
  - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 29th day of January, 2024.

  
Tracy L. Kostoff, P.E.  
Acting Executive Director  
Colorado Ground Water Commission

By:   
Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

Prepared by: wad  
F&O4635-BD.doc

Form no. **DIVISION OF WATER RESOURCES**  
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
(7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

Exhibit A  
Determination no. 4635-BD  
Page 1 of 4

RCVD DWR  
11/15/2023

## NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.

- 1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR
- 2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.

NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form. Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant PT Overlook, LLC			
Mailing Address 1864 Woodmoor Dr # 100	City Monument	State Colorado	Zip Code 80132
Telephone Number (include area code) (719) 476-0800		Email <a href="mailto:abiggs@proterrace.com">abiggs@proterrace.com</a> / <a href="mailto:wjt@cowaterlaw.com">wjt@cowaterlaw.com</a>	
<b>2. AQUIFER</b> Laramie-Fox Hills			
<b>3. CLAIM OF OWNERSHIP</b> – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located. Number of acres: <u>350.811</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description).  See attached  - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE</b> – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>8/24/2023</u> Print name and title: <u>W. James Tilton</u>			

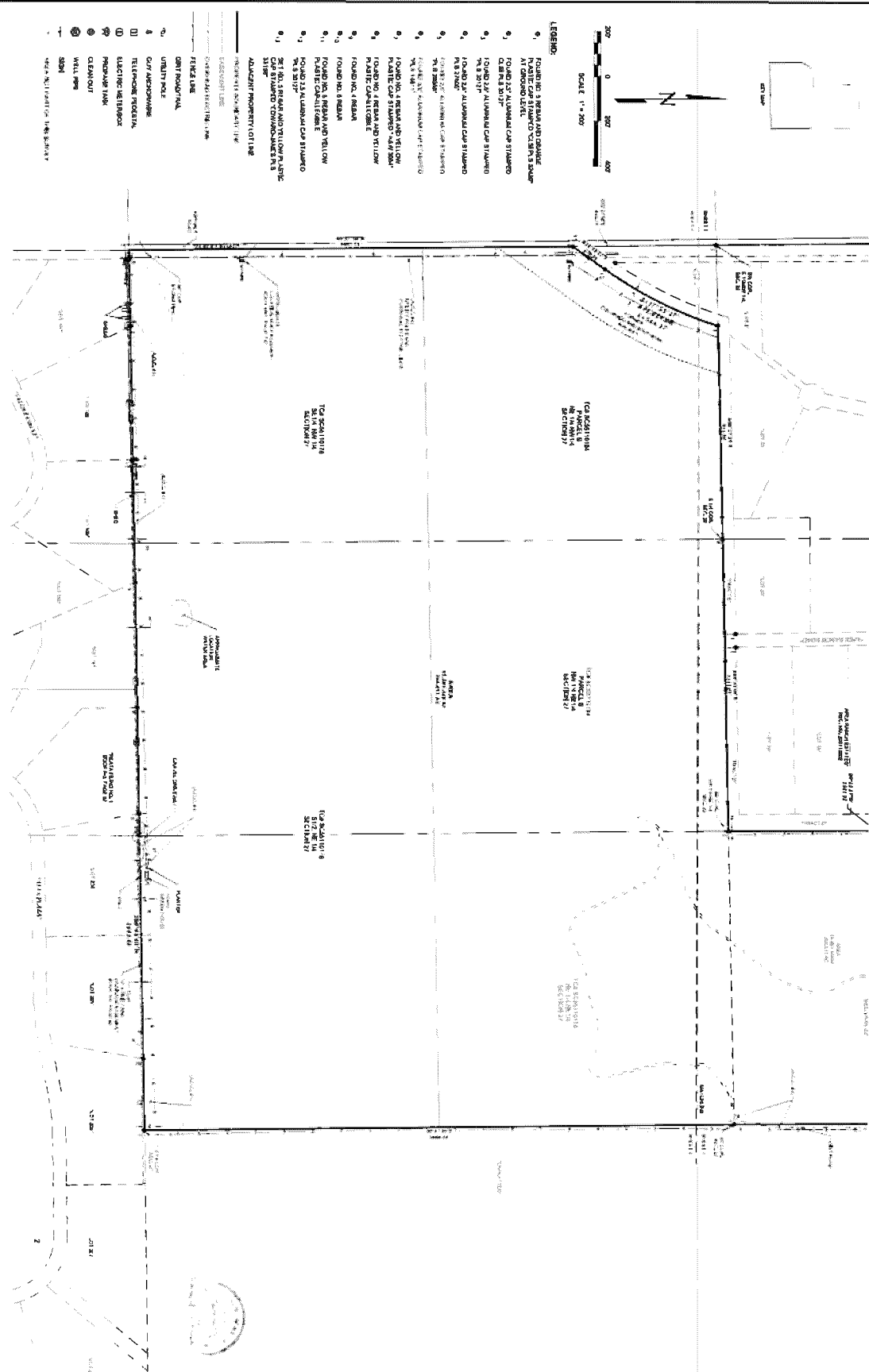







# ALTA/NSPS LAND TITLE SURVEY

## A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



<b>ALTA/NSPS LAND TITLE SURVEY</b>  A PORTION OF SECTION 22 AND PORTION OF SECTION 27 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO	 <b>EDWARD-JAMES SURVEYING, INC.</b> 526 Elkton Drive Colorado Springs, CO 80907 Office: (719) 576-1216 Fax: (719) 576-1206	4732 Legleridge Circle Pueblo, CO 81008 Office: (719) 545-6340 Fax: (719) 545-6247	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="font-size: small;">NO.</th> <th style="font-size: small;">REVISIONS</th> <th style="font-size: small;">DESCRIPTION</th> <th style="font-size: small;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DESCRIPTION	DATE																
NO.	REVISIONS	DESCRIPTION	DATE																				

# *Appendix D*

***El Paso County Land Development Code  
Water Quality Requirements and Results  
Dawson Confined Aquifer  
For Overlook at Homestead  
Sampled June 13, 2023***

<b>Compound</b>	<b>Units</b>	<b>MCL/SMCL</b>	<b>Result</b>
Antimony	mg/l	0.006	0
Arsenic	mg/l	0.01	0
Barium	mg/l	2	0.0526
Beryllium	mg/l	0.004	0
Cadmium	mg/l	0.005	0
Chromium	mg/l	0.1	0
Cyanide (Total)	mg/l	0	0
Fluoride	mg/l	4	0.31
Mercury	mg/l	0.002	0
Nitrate as N	mg/l	10	0.09
Nitrite as N	mg/l	1	0
Selenium	mg/l	0.05	0
Thallium	mg/l	0.002	0
Aluminum	mg/l	0.05	0.018
Chloride	mg/l	250	1.9
Langelier Index			-0.22
Iron	mg/l	0.3	0.018
Manganese	mg/l	0.05	0.001
pH		6.5 - 8.5	7.62
Silver	mg/l	0.1	0
Sulfate	mg/l	250	12.7
TDS	mg/l	500	106
Zinc	mg/l	5	0.017
Gross Alpha/Beta	pCi/l	15	6.4
Combined Radium 226+228	pCi/l	5	1.3
E.Coli	#/100 ml	Absent	Absent
Total Coliform	#/100 ml	Absent	Present
Total Coliform - El Paso Co.	#/100 ml	Absent	Present

Green = Result below MCL - Acceptable Water Quality

**Analytical Results**

**TASK NO: 230613048**

**Report To:** Doug Schwenke  
**Company:** RESPEC Company, LLC  
 5540 Tech Center Drive  
 Suite 100  
 Colorado Springs CO 80919

**Bill To:** Accounts Payable  
**Company:** RESPEC Company, LLC  
 5540 Tech Center Drive  
 Suite 100  
 Colorado Springs CO 80919

<b>Task No.:</b> 230613048 <b>Client PO:</b> <b>Client Project:</b> Overlook	<b>Date Received:</b> 6/13/23 <b>Date Reported:</b> 7/25/23 <b>Matrix:</b> Water - Drinking
--	---

Lab Number	Customer Sample ID	Sample Date/Time	Test	Result	Method	Date Analyzed
230613048-01A	Overlook #1	6/12/23 11:00 AM	Total Coliform	Present	SM 9223	6/14/23
			E-Coli	Absent	SM 9223	6/14/23

**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



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](http://www.coloradolab.com)

<b>Report To Information</b>		<b>Project Information</b>	
Company Name: <u>RESPEC</u>	Company Name: _____	PWSID: <u>N/A</u>	System Name: _____
Contact Name: <u>Doug Schwente</u>	Contact Name: _____	Compliance Samples: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Send Results to CDPHE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Address: <u>5540 Tech Center Ste 100</u>	Address: _____	Task Number: _____	Task Name: <u>CAL Task</u>
City: <u>CS</u> State: <u>CO</u> Zip: <u>80119</u>	City: _____ State: _____ Zip: _____	PO Number: _____	PO Number: <u>230613048</u>
Phone: <u>719-227-0072</u>	Phone: _____	JAK	
Email: <u>douglas.schwente@respec.com</u>	Email: _____		
Sample Collector: <u>Stephanie Schwente</u>	Sample Collector: _____		
Sample Collector Phone: <u>719-321-5341</u>	Sample Collector Phone: _____		

PHASE I, II, V Drinking Water Analyses (check requested analysis)		Subcontract Analyses	
Date	Time	Client Sample ID / Sample Pt ID	Analysis
6/17/23	11 am	#1	Chlorite
			Uranium
			Radon
			Radium 226/228
			Gross Alpha/Beta
			SUVA, UV 254 (Circle)
			TOC, DOC (Circle)
			Alk/Lang. Index (Circle)
			Inorganics
			Fluoride
			Nitrite
			Nitrate
			Lead/Copper
			552.2 HAAs
			524.2 THMs
			549.2 Diquat
			548.1 Endothall
			547 Glyphosate
			531.1 Carbamates
			525.2 SOCs-Pest
			524.2 VOCs
			515.4 Herbicides
			505 Pests/PCBs
			504.1 EDB/DBCP
			Total Coliform P/A
			Residual Chlorine (mg/L)
			P/A Samples Only
			No. of Containers
			Seals Present Yes <input type="checkbox"/> No <input type="checkbox"/>
			Headspace Yes <input type="checkbox"/> No <input type="checkbox"/>
Instructions:		C/S Info:	
Total cyanide is in a plain bottle but labeled total cyanide. Rebecca and I talked.		Delivered Via: <u>UPS</u> C/S Charge <input checked="" type="checkbox"/> Temp: <u>7</u> °C / Ice <input checked="" type="checkbox"/>	
Relinquished By: <u>Stephanie Schwente</u>	Date/Time: <u>6/17/23 12:30pm</u>	Relinquished By: <u>MS</u>	Date/Time: _____
Received By: <u>Al Jones</u>	Date/Time: <u>6/18 1140</u>	Received By: _____	Date/Time: _____

→ Please analyze for all Page 2 of 3 constituents listed on WORD doc.



**EPC Confined Aquifer Sampling Requirements**

Field Measurements

pH  
Temp

Radionuclides

Radium 226 and Radium 228  
Gross alpha/Beta

Inorganics

Antimony  
Arsenic  
Barium  
Beryllium  
Cadmium  
Chromium  
Cyanide (Total)  
Fluoride  
Mercury  
Nitrate  
Nitrite  
Selenium  
Thallium

Secondary MCLs

Aluminum  
Chloride  
Corrosivity  
Iron  
Manganese  
Silver  
Sulfate  
Zinc  
TDS

Bacteriological:

Total Coliform





## Analytical Results

TASK NO: 230613048

**Report To:** Doug Schwenke  
**Company:** RESPEC Company, LLC  
5540 Tech Center Drive  
Suite 100  
Colorado Springs CO 80919

**Bill To:** Accounts Payable  
**Company:** RESPEC Company, LLC  
5540 Tech Center Drive  
Suite 100  
Colorado Springs CO 80919

**Task No.:** 230613048  
**Client PO:**  
**Client Project:** Overlook

**Date Received:** 6/13/23  
**Date Reported:** 7/25/23  
**Matrix:** Water - Drinking

**Customer Sample ID** Overlook #1  
**Sample Date/Time:** 6/12/23 11:00 AM  
**Lab Number:** 230613048-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
Chloride	1.9 mg/L	EPA 300.0	0.1 mg/L		6/13/23	QC65693	NRP
Fluoride	0.31 mg/L	EPA 300.0	0.10 mg/L	4	6/13/23	QC65698	NRP
Nitrate Nitrogen	0.09 mg/L	EPA 300.0	0.05 mg/L	10	6/13/23	QC65694	NRP
Nitrite Nitrogen	ND mg/L	EPA 300.0	0.03 mg/L	1	6/13/23	QC65695	NRP
Sulfate	12.7 mg/L	EPA 300.0	0.1 mg/L		6/13/23	QC65697	NRP
Cyanide-Total	ND mg/L	EPA 335.4	0.005 mg/L	0.02	6/16/23	QC65772	DN
<b>Total</b>							
Iron	0.018 mg/L	EPA 200.7	0.005 mg/L	0.3	6/15/23	QC65737	MBN
Aluminum	0.018 mg/L	EPA 200.8	0.001 mg/L	0.05	6/15/23	QC65752	MBN
Antimony	ND mg/L	EPA 200.8	0.0012 mg/L	0.006	6/15/23	QC65752	MBN
Arsenic	ND mg/L	EPA 200.8	0.0006 mg/L	0.01	6/15/23	QC65752	MBN
Barium	0.0526 mg/L	EPA 200.8	0.0007 mg/L	2	6/15/23	QC65752	MBN
Beryllium	ND mg/L	EPA 200.8	0.0001 mg/L	0.004	6/15/23	QC65752	MBN
Cadmium	ND mg/L	EPA 200.8	0.0001 mg/L	0.005	6/15/23	QC65752	MBN
Chromium	ND mg/L	EPA 200.8	0.0015 mg/L	0.1	6/15/23	QC65752	MBN
Manganese	0.0010 mg/L	EPA 200.8	0.0008 mg/L	0.05	6/15/23	QC65752	MBN
Mercury	ND mg/L	EPA 200.8	0.0001 mg/L	0.002	6/15/23	QC65752	MBN
Selenium	ND mg/L	EPA 200.8	0.0008 mg/L	0.05	6/15/23	QC65752	MBN
Silver	ND mg/L	EPA 200.8	0.0005 mg/L	0.1	6/15/23	QC65752	MBN
Thallium	ND mg/L	EPA 200.8	0.0002 mg/L	0.002	6/15/23	QC65752	MBN
Zinc	0.017 mg/L	EPA 200.8	0.001 mg/L	5	6/15/23	QC65752	MBN

**Abbreviations/References:**

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Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.  
(s) The accuracy of the spike recovery value is reduced due to the analyte concentration in the sample being disproportionate to the spike level. The laboratory control sample recovery was acceptable

MCL = Maximum contaminant level per the EPA  
ND = Not Detected at Reporting Limit.

**Report To:** Doug Schwenke  
**Company:** RESPEC Company, LLC

**Receive Date:** 6/13/23  
**Project Name:** Overlook

Test	QC Batch ID	QC Type	Result	Method	Prep Date
Chloride	QC65693	Blank	ND	EPA 300.0	6/13/23
Cyanide-Total	QC65772	Blank	ND	EPA 335.4	6/16/23
Fluoride	QC65698	Blank	ND	EPA 300.0	6/13/23
Aluminum	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Antimony	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Arsenic	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Barium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Beryllium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Cadmium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Chromium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Manganese	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Mercury	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Selenium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Silver	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Thallium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Zinc	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Iron	QC65737	Method Blank	ND	EPA 200.7	6/13/23
Nitrate Nitrogen	QC65694	Blank	ND	EPA 300.0	6/13/23
Nitrite Nitrogen	QC65695	Blank	ND	EPA 300.0	6/13/23
Sulfate	QC65697	Blank	ND	EPA 300.0	6/13/23

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Chloride	QC65693	Duplicate	0 - 20	-	0.6	EPA 300.0
		LCS	90 - 110	104.1	-	
		MS	75 - 125	100.6	-	
Cyanide-Total	QC65772	Duplicate	0 - 20	-	3.4	EPA 335.4
		LCS	90 - 110	90.9	-	
		MS	75 - 125	78.0	-	
Fluoride	QC65698	Duplicate	0 - 20	-	0.2	EPA 300.0
		LCS	90 - 110	99.2	-	
		MS	75 - 125	95.2	-	
Aluminum	QC65752	LCS	90 - 110	104.7	-	EPA 200.8
		MS	70 - 130	126.5	-	
		MSD	0 - 10	-	1.2	
Antimony	QC65752	LCS	90 - 110	101.4	-	EPA 200.8
		MS	70 - 130	102.9	-	
		MSD	0 - 10	-	1.1	
Arsenic	QC65752	LCS	90 - 110	97.7	-	EPA 200.8
		MS	70 - 130	103.7	-	
		MSD	0 - 10	-	6.6	
Barium	QC65752	LCS	90 - 110	96.6	-	EPA 200.8

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ug/L = Micrograms Per Liter or PPB  
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Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.  
(s) The accuracy of the spike recovery value is reduced due to the analyte concentration in the sample being disproportionate to the spike level. The laboratory control sample recovery was acceptable

MCL = Maximum contaminant level per the EPA  
ND = Not Detected at Reporting Limit.



Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
		MS	70 - 130	105.7	-	
		MSD	0 - 10	-	0.1	
Beryllium	QC65752	LCS	90 - 110	96.0	-	EPA 200.8
		MS	70 - 130	111.5	-	
		MSD	0 - 10	-	2.2	
		MSD	0 - 10	-	2.2	
Cadmium	QC65752	LCS	90 - 110	97.0	-	EPA 200.8
		MS	70 - 130	104.5	-	
		MSD	0 - 10	-	0.5	
		MSD	0 - 10	-	0.5	
Chromium	QC65752	LCS	90 - 110	101.6	-	EPA 200.8
		MS	70 - 130	102.8	-	
		MSD	0 - 10	-	2.7	
		MSD	0 - 10	-	2.7	
Manganese	QC65752	LCS	90 - 110	102.4	-	EPA 200.8
		MS	70 - 130	105.5	-	
		MSD	0 - 10	-	1.1	
		MSD	0 - 10	-	1.1	
Mercury	QC65752	LCS	90 - 110	104.1	-	EPA 200.8
		MS	70 - 130	96.8	-	
		MSD	0 - 10	-	1.1	
		MSD	0 - 10	-	1.1	
Selenium	QC65752	LCS	90 - 110	102.0	-	EPA 200.8
		MS	70 - 130	112.0	-	
		MSD	0 - 10	-	4.7	
		MSD	0 - 10	-	4.7	
Silver	QC65752	LCS	90 - 110	90.1	-	EPA 200.8
		MS	70 - 130	83.9	-	
		MSD	0 - 10	-	0.9	
		MSD	0 - 10	-	0.9	
Thallium	QC65752	LCS	90 - 110	100.4	-	EPA 200.8
		MS	70 - 130	99.8	-	
		MSD	0 - 10	-	0.9	
		MSD	0 - 10	-	0.9	
Zinc	QC65752	LCS	90 - 110	100.1	-	EPA 200.8
		MS	70 - 130	98.7	-	
		MSD	0 - 10	-	0.7	
		MSD	0 - 10	-	0.7	
Iron	QC65737	Duplicate	0 - 20	-	10.0	EPA 200.7
		LCS	90 - 110	97.4	-	
		MS	75 - 125	83.1	-	
		MS	75 - 125	83.1	-	
Nitrate Nitrogen	QC65694	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	99.5	-	
		MS	75 - 125	93.6	-	
		MS	75 - 125	93.6	-	
Nitrite Nitrogen	QC65695	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	92.7	-	
		MS	75 - 125	92.1	-	
		MS	75 - 125	92.1	-	
Sulfate	QC65697	Duplicate	0 - 20	-	2.2	EPA 300.0
		LCS	90 - 110	103.8	-	
		MS	75 - 125	85.3	-	
		MS	75 - 125	85.3	-	

All analyses were performed in accordance with approved methods under the latest revision to 40 CFR Part 136 unless otherwise identified. Based on my inquiry of the person or persons directly responsible for analyzing the wastewater samples and generating the report (s), the analyses, report, and information submitted are, to the best of my knowledge and belief, true, accurate, and complete.



DATA APPROVED FOR RELEASE BY

**Abbreviations/ References:**

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 mg/L = Milligrams Per Liter or PPM  
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 mpn/100 mls = Most Probable Number Index/ 100 mls  
 Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.  
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MCL = Maximum contaminant level per the EPA  
 ND = Not Detected at Reporting Limit.

# Drinking Water Chain of Custody



<b>Report To Information</b>		<b>Bill To Information (if different from report to)</b>		<b>Project Information</b>	
Company Name: <u>RESPEC</u>		Company Name: _____		PWSID: <u>N/A</u>	
Contact Name: <u>Doug Schwente</u>		Contact Name: _____		System Name: _____	
Address: <u>5540 Tech Center Dr 100</u>		Address: _____		Compliance Samples: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City: <u>CS</u> State: <u>CO</u> Zip: <u>80919</u>		City: _____ State: _____ Zip: _____		Send Results to CDPHE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Phone: <u>719-227-0072</u>		Phone: _____		Task Number (Lab Use Only): _____	
Email: <u>douglas.schwente@respec.com</u>		Email: _____		CAL Task: <u>230613048</u>	
Sample Collector: <u>Stephanie Schwente</u>		Sample Collector: _____		JAK	
Sample Collector Phone: <u>719-321-5341</u>		Sample Collector Phone: _____		PO Number: _____	

PHASE I, II, V Drinking Water Analyses (check requested analysis)			Subcontract Analyses																																	
Date	Time	Client Sample ID / Sample Pr ID	No. of Containers	Residual Chlorine (mg/L)	P/A Samples Only	Total Coliform P/A	504.1 EDB/DBP	505 Pests/PCBs	515.4 Herbicides	524.2 VOCs	525.2 SOCs-Pest	531.1 Carbamates	547 Glyphosate	548.1 Endothal	549.2 Diquat	524.2 TTHMs	552.2 HAAs	Lead/Copper	Nitrate	Nitrite	Fluoride	Inorganics	Alk/Lang. Index (Circle)	TCC, DOC (Circle)	SUVA, UV 254 (Circle)	Total Cyanide	Gross Alpha/Beta	Radium 226/228	Radon	Uranium	Chlorite					
6/17/23	11 am	#1				X																														

**Instructions:**  
 Total cyanide is in a plain bottle but labeled total cyanide. Rebecca and I talked.

**Relinquished By:** Stephanie Schwente **Date/Time:** 6/17/23 12:30pm **Received By:** AL WONG **Date/Time:** 6/18 1140

**Delivered Via:** UPS **C/S Charge:** 2 **Date/Time:** \_\_\_\_\_

**Relinquished By:** \_\_\_\_\_ **Date/Time:** \_\_\_\_\_

**Seals Present:** Yes  No  **Headspace:** Yes  No

**Temp:** 7 °C / Ice  **Received By:** \_\_\_\_\_ **Date/Time:** \_\_\_\_\_

**Sample Pres.:** Yes  No  **Date/Time:** \_\_\_\_\_

→ Please analyze for all CDPHE constituents listed on WQED doc.

**EPC Confined Aquifer Sampling Requirements**

Field Measurements

pH

Temp

Radionuclides

Radium 226 and Radium 228

Gross alpha/Beta

Inorganics

Antimony

Arsenic

Barium

Beryllium

Cadmium

Chromium

Cyanide (Total)

Fluoride

Mercury

Nitrate

Nitrite

Selenium

Thallium

Secondary MCLs

Aluminum

Chloride

Corrosivity

Iron

Manganese

Silver

Sulfate

Zinc

TDS

Bacteriological:

Total Coliform





**Analytical Results**

**TASK NO: 230613048**

**Report To:** Doug Schwenke  
**Company:** RESPEC Company, LLC  
5540 Tech Center Drive  
Suite 100  
Colorado Springs CO 80919

**Bill To:** Accounts Payable  
**Company:** RESPEC Company, LLC  
5540 Tech Center Drive  
Suite 100  
Colorado Springs CO 80919

**Task No.:** 230613048  
**Client PO:**  
**Client Project:** Overlook

**Date Received:** 6/13/23  
**Date Reported:** 7/25/23  
**Matrix:** Water - Drinking

**Customer Sample ID** Overlook #1  
**Sample Date/Time:** 6/12/23 11:00 AM  
**Lab Number:** 230613048-01

Test	Result	Method	RL	Date Analyzed	QC Batch ID	Analyzed By
Bicarbonate	63.5 mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	6/14/23	-	DN
Calcium as CaCO3	27.5 mg/L	EPA 200.7	0.1 mg/L	6/15/23	-	MBN
Carbonate	ND mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	6/14/23	-	DN
Hydroxide	ND mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	6/14/23	-	DN
Langelier Index	-0.92 units	SM 2330-B	units	6/16/23	-	SAN
pH	7.62 units	SM 4500-H-B	0.01 units	6/13/23	-	TAB
Temperature	20 °C	SM 4500-H-B	1 °C	6/13/23	-	TAB
Total Alkalinity	63.5 mg/L as CaCO3	SM 2320-B	4.0 mg/L as CaCO3	6/14/23	QC65713	DN
Total Dissolved Solids	106 mg/L	SM 2540-C	5 mg/L	6/16/23	QC65744	NH

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ug/L = Micrograms Per Liter or PPB  
mpn/100 mls = Most Probable Number Index/ 100 mls  
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.  
(s) Spike amount low relative to the sample amount.  
ND = Not Detected at Reporting Limit.

## Analytical QC Summary

TASK NO: 230613048

Report To: Doug Schwenke  
Company: RESPEC Company, LLC

Receive Date: 6/13/23  
Project Name: Overlook

Test	QC Batch ID	QC Type	Result	Method	Prep Date
Total Alkalinity	QC65713	Blank	ND	SM 2320-B	6/15/23
Total Dissolved Solids	QC65744	Blank	ND	SM 2540-C	6/15/23

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Total Alkalinity	QC65713	Duplicate	0 - 20	-	0.8	SM 2320-B
		LCS	90 - 110	98.7	-	
		LCS-2	90 - 110	97.8	-	
Total Dissolved Solids	QC65744	Duplicate	0 - 20	-	0.3	SM 2540-C
		LCS	85 - 115	106.3	-	

All analyses were performed in accordance with approved methods under the latest revision to 40 CFR Part 136 unless otherwise identified. Based on my inquiry of the person or persons directly responsible for analyzing the wastewater samples and generating the report (s), the analyses, report, and information submitted are, to the best of my knowledge and belief, true, accurate, and complete.



DATA APPROVED FOR RELEASE BY

Abbreviations/References:

RL = Reporting Limit = Minimum Level  
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

(d) RPD acceptable due to low duplicate and sample concentrations.  
(s) Spike amount low relative to the sample amount.  
ND = Not Detected at Reporting Limit.





**EPC Confined Aquifer Sampling Requirements**

Field Measurements

pH  
Temp

Radionuclides

Radium 226 and Radium 228  
Gross alpha/Beta

Inorganics

Antimony  
Arsenic  
Barium  
Beryllium  
Cadmium  
Chromium  
Cyanide (Total)  
Fluoride  
Mercury  
Nitrate  
Nitrite  
Selenium  
Thallium

Secondary MCLs

Aluminum  
Chloride  
Corrosivity  
Iron  
Manganese  
Silver  
Sulfate  
Zinc  
TDS

Bacteriological:

Total Coliform



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

Lab Control ID: 23H02069  
Received: Jun 14, 2023  
Reported: Aug 08, 2023  
Purchase Order No.  
None Received

Customer ID: 05377Z  
Account ID: Z01034

Rebecca Manzanares  
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: *Roxanne Sullivan*  
Roxanne Sullivan  
Analytical Laboratories Director

Customer ID: 05377Z  
 Account ID: Z01034

**ANALYTICAL REPORT**

Rebecca Manzanaras  
 Colorado Analytical Laboratories, Inc.

<b>Lab Sample ID</b>		23H02069-001						
<b>Customer Sample ID</b>		230613048-01D - Overlook - Overlook #1 sampled on 06/12/23 @ 1100						
<b>Parameter</b>	<b>Units</b>	<b>Code</b>	<b>Result</b>	<b>Precision* +/-</b>	<b>Detection Limit</b>	<b>Method</b>	<b>Analysis Date / Time</b>	<b>Analyst</b>
Gross Alpha	pCi/L	T	3.2	2.4	0.1	SM 7110 B	7/13/23 @ 0922	KT
Gross Beta	pCi/L	T	<3.2	2.5	3.2	SM 7110 B	7/13/23 @ 0922	KT

<b>Lab Sample ID</b>		23H02069-002						
<b>Customer Sample ID</b>		230613048-01E - Overlook - Overlook #1 sampled on 06/12/23 @ 1100						
<b>Parameter</b>	<b>Units</b>	<b>Code</b>	<b>Result</b>	<b>Precision* +/-</b>	<b>Detection Limit</b>	<b>Method</b>	<b>Analysis Date / Time</b>	<b>Analyst</b>
Radium-226	pCi/L	T	0.5	0.3	0.2	SM 7500-Ra B	7/17/23 @ 0950	KT
Radium-228	pCi/L	T	0.8	0.7	0.2	EPA pg.19	7/17/23 @ 0934	JR

Certification ID's: CO/EPA CO00008

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

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

**Batch QC Summary Form**

Analyte: Gross Alpha

Control Standard/LFB: ID: C11a-004 pCi/mL: 57.4 (use 1 diluted)

Spike Solution: ID: C11a-004 pCi/mL: 57.4 (use 1 mL)

Spike Recovery Calculation: Sample: Tap\*

$$\text{Calculation: } \frac{(63.1) - (1.000) - (0.0) - (0.200)}{57.4} \times 100 = 110\%$$

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 evaluated in this report.

Batch Listing by Lab Control Number:

23H02049 \_\_\_\_\_  
23H02068 \_\_\_\_\_  
23H02069 \_\_\_\_\_  
23H02079 \_\_\_\_\_  
23H02080 \_\_\_\_\_  
23H02136 \_\_\_\_\_  
23H02158 \_\_\_\_\_  
23H02017 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evaluator:

*Michelle Stringer* \_\_\_\_\_

07/17/2023

Date

**Batch QC Summary Form**

Analyte: Gross Beta

Control Standard/LFB: ID: C11a-004 pCi/mL: 44 (use 1 diluted)

Spike Solution: ID: C11a-004 pCi/mL: 44 (use 1 mL)

Spike Recovery Calculation: Sample: Tap\*

$$\text{Calculation: } \frac{(42.6) - (1.000) - (0.6)}{44} \times 100 = 97\%$$

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 evaluated in this report.

Batch Listing by Lab Control Number:

23H02049 \_\_\_\_\_  
23H02068 \_\_\_\_\_  
23H02069 \_\_\_\_\_  
23H02079 \_\_\_\_\_  
23H02080 \_\_\_\_\_  
23H02136 \_\_\_\_\_  
23H02158 \_\_\_\_\_  
23H02017 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Evaluator:

*Michelle Stringer* \_\_\_\_\_

07/17/2023

Date

**Batch QC Summary Form**

Analyte: Radium-226

Control Standard/LFB: ID: C73-001 pCi/mL: 21.1 (use 2 diluted)

Spike Solution: ID: C73-001 pCi/mL: 21.1 (use 2 mL)

Spike Recovery Calculation: Sample: 23H02036-03a

$$\text{Calculation: } \frac{(47.5) - (1.000) - (17.2) - (0.400)}{42.2} \times 100 = 96\%$$

Batch QC Evaluation:

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

\* 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 evaluated in this report.

Batch Listing by Lab Control Number:

23H02026 \_\_\_\_\_  
23H02027 \_\_\_\_\_  
23H02036 \_\_\_\_\_  
23H02069 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Evaluator:

*Roxanne Sullivan* \_\_\_\_\_

07/20/2023

Date

**Batch QC Summary Form**

Analyte: Radium-228

Control Standard/LFB: ID: C6-005 pCi/mL: 14.5 (use 5 diluted)

Spike Solution: ID: C6-005 pCi/mL: 14.5 (use 5 mL)

Spike Recovery Calculation: Sample: 23H02122-2b

$$\text{Calculation: } \frac{(74.1) - (0.960) - (0.8)}{72.5} \times 100 = 97.1\%$$

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 evaluated in this report.

Batch Listing by Lab Control Number:

23H02122 \_\_\_\_\_  
23H02069 \_\_\_\_\_  
23H02082 \_\_\_\_\_  
23H02050 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Evaluator:  
 \_\_\_\_\_

\_\_\_\_\_ 08/07/2023  
Date





**STANDARD BACTERIOLOGICAL WATER TEST** METHOD:SM-9223B

El Paso County Public Health Laboratory EPA ID# CO00025

1675 West Garden of the Gods Road, Suite 2044, Colorado Springs, CO 80907 - (719) 578-3120

PWSID

- Raw
- Finished
- LT2
- Quantitative

Sample Point ID: RTOR

Sample Taken Date: 08/10/2023 Time: 1439

Address where sample was taken: Overlook Property Peyton Colorado 80831

Sample site location: Other -Outdoor Spigot Collector Name: Christina Martin Chlorine: mg/L

- Well
- City
- Recreational
- Surface/Spring
- Cistern
- Wastewater

Results to: Christina Martin

Phone: (719) 402-0008

Mailing address: 5540 Tech Center Dr

City/State/Zip: Colorado Springs, CO 80919

Fax/Email: christina.martin@respec.com

Comments:

Date 08/10/2023 Time 1531 Rc'd 850

Date 08/10/2023 Time 1602 Tested 850

Date 08/11/2023 Time 1011 Comp 860

**Lab Sample # 12556**

**Colilert Results Per 100ml**

Absence: Absence of coliform bacteria

Presence: Presence of coliform bacteria & non-compliance with drinking water standards.

MPN/100 ml:

Absence: E. Coli: Escherichia coli bacteria

Presence: E. Coli: Escherichia coli bacteria

MPN/100 ml: