

HAYES POZNA NOVIC KORVER LLC

ATTORNEYS AT LAW

700 17TH STREET, SUITE 1800
DENVER, COLORADO 80202

TELEPHONE (303) 825-1980

FACSIMILE (303) 825-1983

January 16, 2024

Ryan Howser
El Paso County Development Services Department

RE: Falcon Acres, Final Plat, Water Supply Plan – 2ND REVISED
NE1/4 Section 4, T14S, R64W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Mr. Howser,

The following provides a second updated overview of the water supplies that are underlying and appurtenant to a 49.2-acre parcel, generally located in the NE1/4 of the NE1/4 and the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 4, Township 14 South, Range 64 West of the 6th P. M., El Paso County ("Subject Property"). This letter is based on amounts of groundwater quantified in Determination Nos. 1145-BD, 1146-BD, and 1147-BD, issued by the Colorado Ground Water Commission on April 16, 2007. This letter provides no opinion on the actual physical supply of groundwater available. This letter is not a title opinion and makes no conclusion about ownership of the Denver Basin groundwater described below.

Determined Annual Amounts

The following volumes were quantified for domestic, commercial, industrial, irrigation, and replacement supply on the Subject Property. The groundwater in the Laramie-Fox Hills Aquifer is nontributary ("NT"). The groundwater in the Denver, Arapahoe and is not-nontributary ("NNT").

Determination No.	Aquifer	Annual Volume (100 years) (acre-feet)	Annual Volume (300 years) (acre-feet)	Total Volume (acre-feet)
1145-BD	Laramie-Fox Hills (NT)	15.5	5.17	1,550
1146-BD	Arapahoe (NNT 4%)	14.2	4.73	1,420
1147-BD	Denver (NNT)	4.0	1.33	400
1147-BD	Denver (NNT 4%)	0.7	0.23	70

Water Supply Plan

The groundwater in the Arapahoe Aquifer has been approved for withdrawal and use according to Determination No. 1146-BD. NNT 4% groundwater does not require an approved replacement plan for use in small-capacity wells. The Arapahoe groundwater will be used in up to four (4) wells, each well withdrawing up to 1.1 acre-feet per year for 300 years, 4.4 acre-feet per year total, and each well will serve up to two lots, each lot receiving:

- 0.3 acre-feet per year for in-house use in 1 single-family home.
- 0.2 acre-feet per year for irrigation of up to 4,000 square-feet of lawn, garden, and trees.
- 0.05 acre-feet per year for water of up to 4 large domestic animals.
- 0.55 acre-feet per year total per lot.

All homes will be served by non-evaporative septic systems. The return flow from all eight (8) homes will be an estimated 2.16 acre-feet per year at full build-out, as follows: 0.27 acre-feet per year per well * 8 single-family homes = 2.16 acre-feet per year. This exceeds the 4% replacement requirement for use of the Arapahoe Aquifer groundwater.

Applicants have also applied for a replacement plan under Division of Water Resources Receipt No. 10033812 to use Denver Aquifer Well Permit No. 74444-A pursuant to that proposed plan. The well will supply 0.55 acre-feet per year to one lot for the following uses:

- 0.3 acre-feet per year for in-house use in 1 single-family home.
- 0.2 acre-feet per year for irrigation of up to 4,000 square-feet of lawn, garden, and trees.
- 0.05 acre-feet per year for water of up to 4 large domestic animals.

Current Supply

There are currently two other Denver Aquifer wells on the Subject Property under Well Permit Nos. 113499 and 211298 (the “Existing Wells”). The Existing Wells are not expected to be used in the subdivision and will be abandoned. The Applicant is in the process of finding a contractor that can assist with the plugging the Existing Wells. Once plugging is complete, Applicant will file the appropriate abandonment forms with the Division of Water Resources.

If you have any questions or comments, please feel free to call.

Sincerely,

HAYES POZNANOVIC KORVER LLC

Eric K Trout

Eric K. Trout

HAYES POZNANOVIC KORVER LLC

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January 12, 2024

Colorado Ground Water Commission
c/o Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80203

Re: Application for Approval of a Replacement Plan for Thousand Hills Land & Cattle Co.,
LLC (“Applicant”)
In the Upper Black Squirrel Creek Designated Ground Water Basin

To Whom it May Concern:

This letter is provided as an attachment to the Application for Approval of a Replacement Plan in the Upper Black Squirrel Creek Designated Ground Water Basin filed on behalf of the Applicant. The application requests approval to use up to 0.55 acre-feet per year for 300 years of not-nontributary Denver Aquifer groundwater underlying 49.2 acres of land located in the NE1/4 of the NE1/4, and the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 4, Township 14 South, Range 64 West, also known as 14655 Davis Road, Peyton, El Paso County, CO, as described and shown on **Exhibit A** (“Subject Property”). The Denver Aquifer underlying the Subject Property has been the subject of a prior determination of water rights in Determination No. 1147-BD. The Denver Aquifer groundwater is not-nontributary and requires replacement of actual depletions. The Denver Aquifer groundwater will be used in one (1) well, existing Permit No. 74444-A, on the Subject Property, and Permit No. 74444-A will be re-permitted pursuant to this replacement plan. The well will be used for the following:

- Denver Well will withdraw 0.55 acre-feet per year for:
 - 0.3 acre-feet per year for 1 single-family home
 - 0.2 acre-feet per year for 4,000 sq-ft of irrigation
 - 0.05 acre-feet per year for up to 4 large animals

The groundwater will be withdrawn at rates of flow necessary to withdraw the entire annual amount, and the residential in-house use will utilize a non-evaporative septic system, which will be permitted, constructed, and operated pursuant to the specifications of the El Paso County Public Health On-Site Wastewater Treatment System Regulations.

The Denver Aquifer groundwater is not-nontributary and actual depletions associated with the pumping of the well or wells must be replaced. Attached to this letter is a summary of actual depletions over a 300-year pumping period as a percentage of the annual amount withdrawn. After 300 years of pumping the total actual depletion to the designated groundwater basins is 27% of the annual amount withdrawn or 0.149 acre-feet, which is less than the consumption limit of 0.23 acre-feet referenced in the State Engineer's Guidelines for the Upper Black Squirrel Designated Basin.

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This letter is provided as an attachment to the Application for Approval of a Replacement Plan in the Upper Black Squirrel Creek Designated Ground Water Basin filed on behalf of the Applicant. The application requests approval to use up to 0.55 acre-feet per year for 300 years of not-nontributary Denver Aquifer groundwater underlying 49.2 acres of land located in the NE1/4 of the NE1/4, and the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 4, Township 14 South, Range 64 West, also known as 14655 Davis Road, Peyton, El Paso County, CO, as described and shown on **Exhibit A** (“Subject Property”). The Denver Aquifer underlying the Subject Property has been the subject of a prior determination of water rights in Determination No. 1147-BD. The Denver Aquifer groundwater is not-nontributary and requires replacement of actual depletions. The Denver Aquifer groundwater will be used in one (1) well, existing Permit No. 74444-A, on the Subject Property, and Permit No. 74444-A will be re-permitted pursuant to this replacement plan. The well will be used for the following:

- Denver Well will withdraw 0.55 acre-feet per year for:
 - 0.3 acre-feet per year for 1 single-family home
 - 0.2 acre-feet per year for 4,000 sq-ft of irrigation
 - 0.05 acre-feet per year for up to 4 large animals

The groundwater will be withdrawn at rates of flow necessary to withdraw the entire annual amount, and the residential in-house use will utilize a non-evaporative septic system, which will be permitted, constructed, and operated pursuant to the specifications of the El Paso County Public Health On-Site Wastewater Treatment System Regulations.

The Denver Aquifer groundwater is not-nontributary and actual depletions associated with the pumping of the well or wells must be replaced. Attached to this letter is a summary of actual depletions over a 300-year pumping period as a percentage of the annual amount withdrawn. After 300 years of pumping the total actual depletion to the designated groundwater basins is 27% of the annual amount withdrawn or 0.149 acre-feet, which is less than the consumption limit of 0.23 acre-feet referenced in the State Engineer's Guidelines for the Upper Black Squirrel Designated Basin.

Return flow from in-house use in one single-family residences (conservatively estimated to be 0.2 acre-feet per year per residence) is approximately 0.18 acre-feet per year, or approximately 90% of that use. Said return flows exceed the actual maximum depletion of 0.149 acre-feet at 300 years. Jimmy Camp Creek is approximately 22,500 feet west of the Subject Property, as shown on the map attached as **Exhibit A**, and septic system return flows accrue to that stream system. All return flows from use of the not-nontributary Denver Aquifer groundwater will be dedicated to this replacement plan and excess return flows will not be sold or leased to any other party. Operation of the wells, including the existing well, under this replacement plan will not cause material injury to alluvial wells located in stream systems in designated ground water basins.

Suggested terms and conditions for the proposed plan are as follows:

1. The total withdrawal from the Denver Aquifer shall not exceed 0.55 acre-feet annually during 300 years of pumping.
2. Each well shall have a totalizing flow meter that is kept in good repair, and the quantity of groundwater withdrawn will be monitored annually (Rule 5.6.2.E.9).
3. All replacements made to the Upper Black Squirrel Creek Designated Ground Water Basin, in which the wells permitted to operate under the replacement plan approved herein are located, will be aggregated in accordance with Guideline 2007-1.
4. Actual depletions caused by pumping of the Denver Aquifer groundwater herein shall be replaced by septic system return flow from use of the water on the Subject Property. Said septic system will be permitted, constructed, and operated pursuant to the specifications of El Paso County Public Health, which will satisfy monitoring of the quality of return flows (Rule 5.6.2.E.9). Excess return flow from use of the water on the Subject Property will be dedicated to this plan and will not be sold or leased to any other party.
5. Applicants or successors in interest will operate the terms of the replacement plan. Applicants will submit, upon request, the replacement plan accounting to the Commission demonstrating compliance with the plan.
6. Replacement water from in-house return flows will be of a quality so as not to degrade the alluvial water quality, as specified by El Paso County Public Health On-Site Wastewater Treatment System Regulations (Rule 5.6.1.B.1.a).
7. The Commission will retain jurisdiction to modify or change the replacement plan to mitigate any injury that may be demonstrated to occur to vested water rights on Black Squirrel Creek.
8. Once the replacement plan is approved, it will be recorded in the real property records of El Paso County.

9. An existing Denver Aquifer well will be re-permitted and used, with a septic system, and the approximate cost is \$1,000. The plan will begin to operate when the Denver well begins operating under the plan. (Rule 5.6.2.E.10).

The following is a proposed summary of the replacement plan for publication purposes:

“Applicant has submitted an application for a Denver Aquifer replacement plan to use up to 0.55 acre-feet of groundwater per year through one (1) well to allow in-house use, outdoor irrigation, and watering of domestic animals, on 49.2 acres of land located in the NE1/4 of the NE1/4, and the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 4, Township 14 South, Range 64 West, El Paso County, Colorado. After 300 years of pumping, the total actual depletion to the designated basins is 27% of the annual amount withdrawn or 0.149 acre-feet which occurs to Black Squirrel Creek. Annual actual depletions will be replaced by claiming credit for septic system return flows from in-house use of Denver Aquifer groundwater in one (1) single-family residence. Said return flows will be approximately 0.18 acre-feet annually and is sufficient to replace actual depletions to the designated basin stream systems at 300 years of pumping. The replacement water accrues to Jimmy Camp Creek and is sufficient in amount, time, and place to replace actual depletions, and no material injury will occur to vested water rights. The replacement water will be of a quality that would not degrade water quality.”

If you have any questions or comments or require additional information for processing this application, please call.

Sincerely,



Eric K Trout

**APPLICATION FOR A REPLACEMENT PLAN
 WITHIN A DESIGNATED GROUND WATER BASIN**

NOTE: This application may only be used to request Ground Water Commission approval of a replacement plan within a Designated Ground Water Basin pursuant to Section 37-90-107.5, C.R.S. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Commission with a non-refundable \$100 filing fee. Type or print in black ink.

1. APPLICANT INFORMATION	
Name of Applicant Thousand Hills Land & Cattle Co., LLC c/o Hayes Poznanovic Korver LLC	
Mailing Address 700 17th Street, Suite 1800, Denver, CO, 80202	
Telephone Number (include area code) 303-825-1980	Email eric@hpkwaterlaw.com
2. AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN	
Aquifer in which the plan will operate: <u>Denver</u>	
County: <u>El Paso</u> Section <u>4</u> , Township <u>14</u> N <input checked="" type="checkbox"/> Range <u>64</u> W	
3 THE FOLLOWING MUST BE PROVIDED AS ATTACHEMENTS TO THIS APPLICATION	
<p>A. A report containing all information required to be submitted for a replacement plan as required by Designated Basin Rule 5.6.2 (Rule 5.6.2 is provided as an attachment to this form).</p> <p>B. If the replacement plan is for the purpose of allowing withdrawals of ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer pursuant to Section 37-90-107(7), C.R.S. and in accordance with Designated Basin Rule 5.3.6.2.C, indicate the subject aquifer, the approved determination of water right or pending application for such determination, and provide a table showing the first 100 years of annual depletions to affected alluvial aquifer(s) caused by proposed pumping during the first 100 years, and if pumping continues beyond 100 years the annual depletions to affected alluvial aquifer(s) until pumping ceases.</p>	
4. SIGNATURE – 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 <i>Eric K Trout</i>	Date: January 12, 2024
Print name and title: Eric K Trout - Attorney - Hayes Poznanovic Korver LLC	
FOR OFFICE USE ONLY	
DIV _____ CO _____ WD _____ BASIN _____ MD _____	

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. See instructions on the reverse of this form.
 Type or print in black or blue ink.

1. APPLICANT INFORMATION			
Name of Applicant Thousand Hills Land & Cattle Co., LLC c/o Hayes Poznanovic Korver LLC			
Mailing Address		City	State
700 17th Street, Suite 1800, Denver, CO, 80202			
Telephone Number (include area code)		Email	
303-825-1980		eric@hpkwaterlaw.com	
2. AQUIFER			
Denver			
3. CLAIM OF OWNERSHIP – 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>49.2</u> in the county of: <u>El Paso</u>			
described as follows (insert legal description).			
<u>NE1/4 of the NE1/4, and the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 4</u>			
<u>Township 14 South, Range 64 West.</u>			

- 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.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – 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: <i>Eric K Trout</i>		Date: January 12, 2024	
Print name and title: Eric K Trout - Attorney - Hayes Poznanovic Korver LLC			

STATEMENT OF OWNERSHIP OF AN AMOUNT OF A GROUNDWATER RIGHT WITHIN A DENVER BASIN BEDROCK AQUIFER OR A NONTRIBUTARY AQUIFER

This statement is to be submitted with all applications for well permits to withdraw an amount of groundwater quantified:

- 1) In a decree issued by the Court in a court case outside of a Designated Groundwater Basin; OR
- 2) In a well permit issued by the State Engineer pursuant to section 37-90-137(4), C.R.S., outside of a Designated Groundwater Basin; OR
- 3) In a Determination of Water Right issued by the Ground Water Commission pursuant to section 37-90-107(7), C.R.S., within a Designated Groundwater Basin; OR
- 4) In a well permit previously issued by the Ground Water Commission pursuant to Designated Basin Rule 5.4., within a Designated Groundwater Basin.

Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted along with the well permit application. Form submittal instructions can be found on our website Colorado.gov/water. Type or print in black ink.

1. APPLICANT INFORMATION	
Name of Applicant Thousand Hills Land & Cattle Co., LLC c/o Hayes Poznanovic Korver LLC	
Mailing Address	City State Zip Code
700 17th Street, Suite 1800, Denver, CO, 80202	
Telephone Number (include area code) 303-825-1980	Email eric@hpkwaterlaw.com
2. COURT CASE (DECREE), WELL PERMIT, OR DETERMINATION NO. 1147-BD	3. AQUIFER Denver
<p>4. STATEMENT OF OWNERSHIP – I hereby state that I am the owner of the following amount of the water right quantified in the decree, well permit, or Determination of Water Right identified above.</p> <p>- A volume of _____ acre-feet. OR</p> <p>- An average annual amount of withdrawal of _____ acre-feet per year (based on a 100-year aquifer life). OR</p> <p>- An average annual amount of withdrawal of 1.33 acre-feet per year (based on a period of 300 years).</p> <p>NOTE: The amount must be specified as a volume if the decree, well permit or Determination of Water Right included terms and conditions requiring that any action taken that is intended to convey, transfer, and/or sell the subject water right explicitly identify the total amount (i.e. volume) of the right that is conveyed.</p>	
<p>5. EVIDENCE OF OWNERSHIP – If the applicant is not the same party to whom the decree, well permit, or Determination of Water Right was originally issued, a copy of a deed that has been recorded with the county must be provided showing that the applicant owns the amount of the water right claimed herein.</p>	
<p>6. WELL FIELD – Is this well proposed to operate as a well field with any other wells? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If yes: Provide a complete list of all wells, and their permit numbers, that will operate as a well field.</p>	
<p>7. SIGNATURE – 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 section. 24-4-104(13)(a), C.R.S. I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.</p> <p>Signature: <i>Eric K Trout</i> Date: January 12, 2024</p> <p>Print name and title: Eric K Trout - Attorney - Hayes Poznanovic Korver LLC</p>	

VERIFICATION OF NOTICE OF APPLICATION

This form is to be submitted with applications for the following.

- 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. See instructions on the reverse of this form for exceptions to the above list. Type or print in black or blue ink.

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Name of Applicant Thousand Hills Land & Cattle Co., LLC c/o Hayes Poznanovic Korver LLC			
Mailing Address		City	State
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Telephone Number (include area code)		Email	
303-825-1980		eric@hpkwaterlaw.com	
2. AQUIFER Denver			
<p>3. NOTICE OF APPLICATION – I hereby claim that I have given notice pursuant to section 37-90-137(4)(b.5), C.R.S., or Designated Basin Rule 5.3.2.2, or Designated Basin Rule 5.4.2.2, as applicable, of application for a well permit or determination of water right by registered or certified mail, return receipt requested, no less than ten days prior to the making of the application, to every record owner of the overlying land and to every person who has a lien or mortgage upon, or deed of trust to, the overlying land recorded in the county in which the overlying land is located.</p> <p>The names of the persons that were given notice are listed below:</p> <p>The applicant is the sole owner of the property and no notice is required.</p> <hr/> <hr/> <hr/> <hr/> <hr/>			
<p>4. SIGNATURE – 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.</p> <p>Signature: <i>Eric K Trout</i> Date: January 12, 2024</p> <p>Print name and title: Eric K Trout - Attorney - Hayes Poznanovic Korver LLC</p>			

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Suggested terms and conditions for the proposed plan are as follows:

1. The total withdrawal from the Denver Aquifer shall not exceed 0.55 acre-feet annually during 300 years of pumping.
2. Each well shall have a totalizing flow meter that is kept in good repair, and the quantity of groundwater withdrawn will be monitored annually (Rule 5.6.2.E.9).
3. All replacements made to the Upper Black Squirrel Creek Designated Ground Water Basin, in which the wells permitted to operate under the replacement plan approved herein are located, will be aggregated in accordance with Guideline 2007-1.
4. Actual depletions caused by pumping of the Denver Aquifer groundwater herein shall be replaced by septic system return flow from use of the water on the Subject Property. Said septic system will be permitted, constructed, and operated pursuant to the specifications of El Paso County Public Health, which will satisfy monitoring of the quality of return flows (Rule 5.6.2.E.9). Excess return flow from use of the water on the Subject Property will be dedicated to this plan and will not be sold or leased to any other party.
5. Applicants or successors in interest will operate the terms of the replacement plan. Applicants will submit, upon request, the replacement plan accounting to the Commission demonstrating compliance with the plan.
6. Replacement water from in-house return flows will be of a quality so as not to degrade the alluvial water quality, as specified by El Paso County Public Health On-Site Wastewater Treatment System Regulations (Rule 5.6.1.B.1.a).
7. The Commission will retain jurisdiction to modify or change the replacement plan to mitigate any injury that may be demonstrated to occur to vested water rights on Black Squirrel Creek.
8. Once the replacement plan is approved, it will be recorded in the real property records of El Paso County.

9. An existing Denver Aquifer well will be re-permitted and used, with a septic system, and the approximate cost is \$1,000. The plan will begin to operate when the Denver well begins operating under the plan. (Rule 5.6.2.E.10).

The following is a proposed summary of the replacement plan for publication purposes:

“Applicant has submitted an application for a Denver Aquifer replacement plan to use up to 0.55 acre-feet of groundwater per year through one (1) well to allow in-house use, outdoor irrigation, and watering of domestic animals, on 49.2 acres of land located in the NE1/4 of the NE1/4, and the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 4, Township 14 South, Range 64 West, El Paso County, Colorado. After 300 years of pumping, the total actual depletion to the designated basins is 27% of the annual amount withdrawn or 0.149 acre-feet which occurs to Black Squirrel Creek. Annual actual depletions will be replaced by claiming credit for septic system return flows from in-house use of Denver Aquifer groundwater in one (1) single-family residence. Said return flows will be approximately 0.18 acre-feet annually and is sufficient to replace actual depletions to the designated basin stream systems at 300 years of pumping. The replacement water accrues to Jimmy Camp Creek and is sufficient in amount, time, and place to replace actual depletions, and no material injury will occur to vested water rights. The replacement water will be of a quality that would not degrade water quality.”

If you have any questions or comments or require additional information for processing this application, please call.

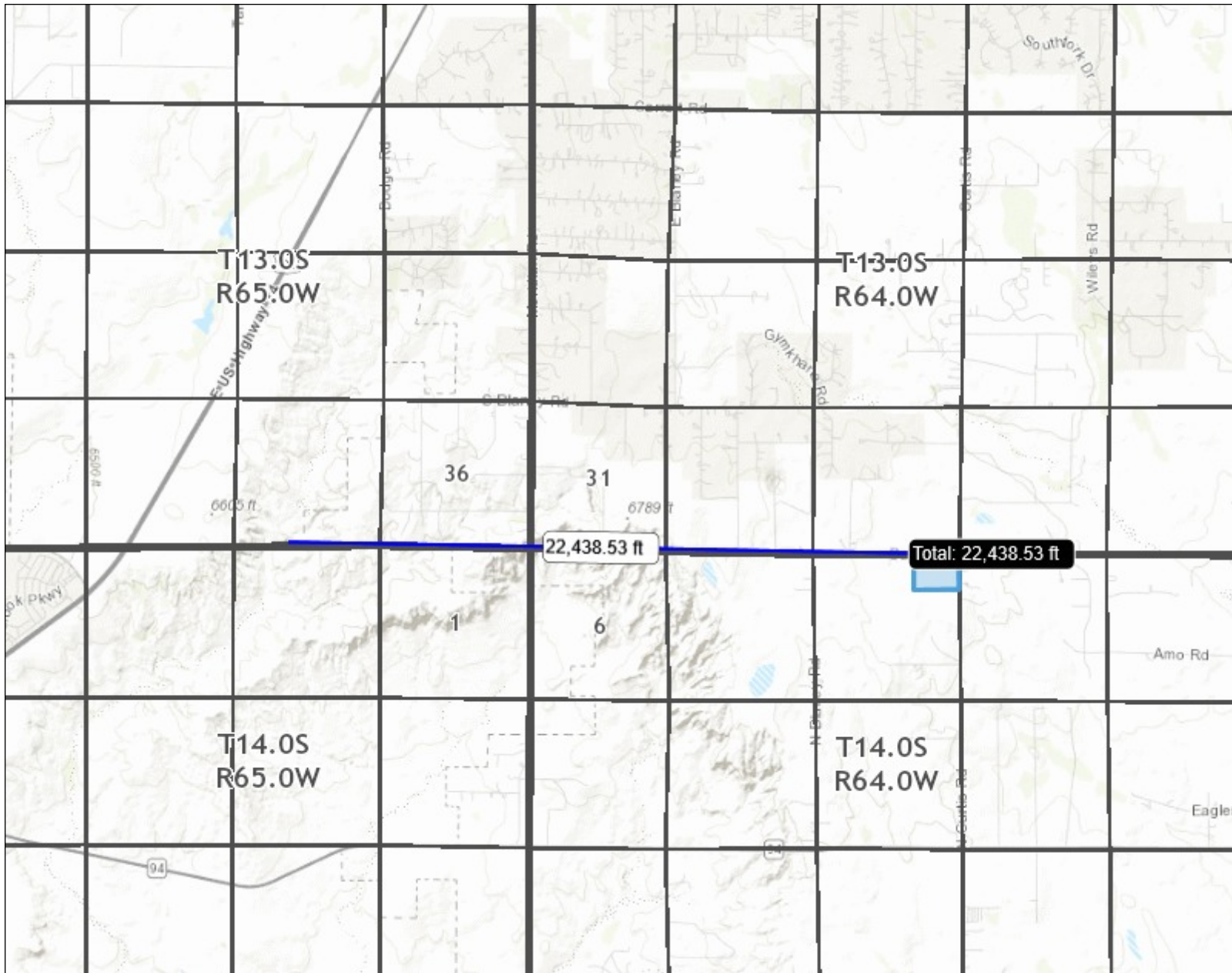
Sincerely,



Eric K Trout



Exhibit A - Map of Subject Property & Distance - Thousand Hills



Legend

- Township
- Section
- County

Location

Notes

2 0 1 2 Miles



1: 63,360



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

Date Prepared: 12/22/2023 1:06:40 PM

EL PASO COUNTY - COLORADO4404000014
14655 DAVIS RDTotal Market Value
\$267,500**OVERVIEW**

Owner:	THOUSAND HILLS LAND &, CATTLE CO LLC
Mailing Address:	812 E MONUMENT ST COLORADO SPRINGS CO, 80903-2824
Location:	14655 DAVIS RD
Tax Status:	Taxable
Zoning:	RR-5
Plat No:	-
Legal Description:	NE4NE4, E2E2NW4NE4 SEC 4-14-64

MARKET & ASSESSMENT DETAILS

	Market Value	Assessed Value
Land	\$267,500	\$74,630
Improvement	\$0	\$0
Total	\$267,500	\$74,630

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	VACANT LAND = 35 AND < 100 ACR	27.900	49.23 Acres	\$267,500

SALES HISTORY

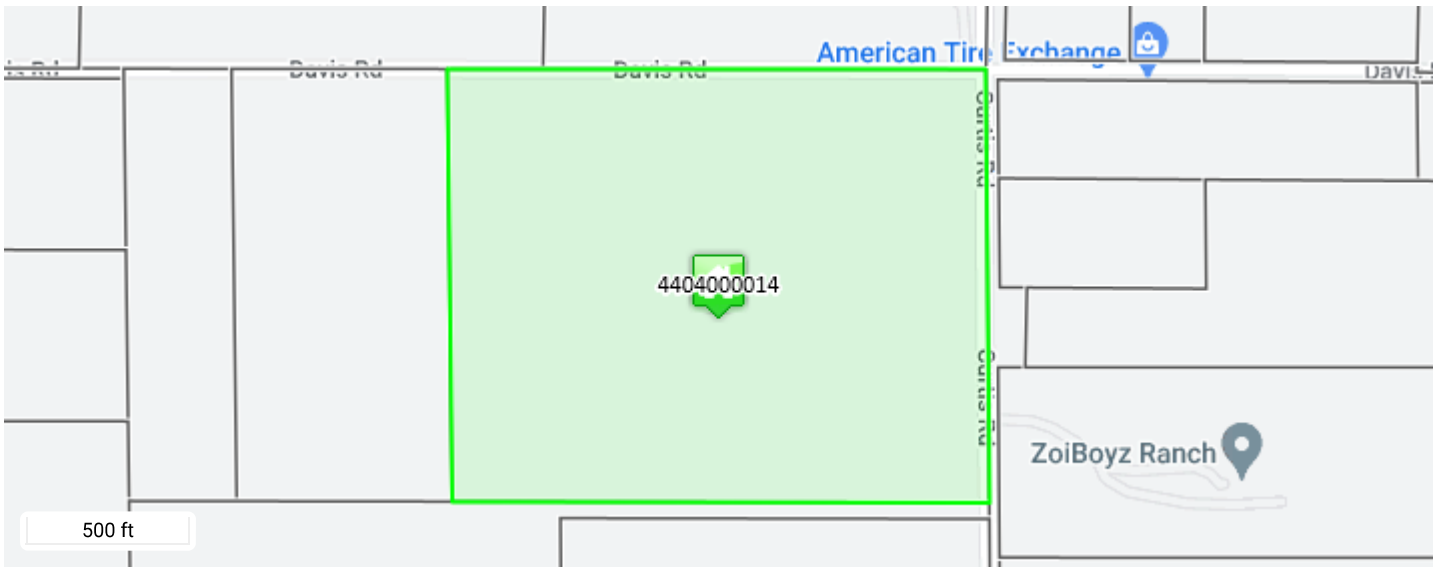
	Sale Date	Sale Price	Sale Type	Reception
+	01/11/2005	\$0	-	205005466
+	01/03/1984	\$0	-	-

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: **SCF** Levy Year: **2022** Mill Levy: **72.681**

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.732	FINANCIAL SERVICES	(719) 520-6400
EPC ROAD & BRIDGE (UNSHARED)	0.330	-	(719) 520-6498
EL PASO COUNTY SCHOOL NO 49	45.159	RON SPRINZ	(719) 495-1109
PIKES PEAK LIBRARY	3.512	RANDALL A GREEN	(719) 531-6333
FALCON FIRE PROTECTION	14.886	TRENT HARWIG	(719) 495-4050
UPPER BLK SQUIRREL CRK GROUND WATER	1.062	TRACY DORAN	(719) 510-0780
EL PASO COUNTY CONSERVATION	0.000	MARIAH HUDSON	(719) 600-4706



No Photo Available



Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

The applicant is the sole owner of the property and no n is required.

Summary Table 1			Summary Table 2				
Applicant Name	Elliott		Model Period (years)	300			
Receipt No.	1147-BD		Applicant Name	Elliott			
Number of Years of Pumping	300		Receipt No.	1147-BD			
Pumping Rate (ac-ft/yr)	0.55		Number of Years of Pumping	300			
Total Volume (ac-ft)	165		Pumping Rate (ac-ft/yr)	0.55			
Legal for All Sections	Section 4, T14S, R64W, 6th P.M.		Total Volume (ac-ft)	165			
Model	DE10		Legal for All Sections	Section 4, T14S, R64W, 6th P.M.			
Aquifer	Denver		Model	DE10			
			Aquifer	Denver			
100th Year Stream Depletion			Maximum Stream Depletion				
Streams	100th Year Depletion (ac-ft/yr)	q/Q (%)	Streams	Max. Depletion during model period (ac-ft/yr)	Year during model period	Max. Depletion during pumping period (ac-ft/yr)	Year during pumping period
BIJOU	0.000	0.000	BIJOU	0.000	300	0.000	300
BIG SANDY	0.000	0.000	BIG SANDY	0.000	300	0.000	300
MONUMENT	0.000	0.000	MONUMENT	0.000	300	0.000	300
COTTONWOOD	0.000	0.000	COTTONWOOD	0.000	300	0.000	300
SHOOKS RUN	0.000	0.000	SHOOKS RUN	0.000	300	0.000	300
SAND-DIV2	0.000	0.008	SAND-DIV2	0.004	300	0.004	300
BLACK SQUIRREL-UBSCDB	0.029	5.200	BLACK SQUIRREL-UBSCDB	0.149	300	0.149	300
STEELS FORK	0.000	0.000	STEELS FORK	0.000	300	0.000	300
HORSE CREEK	0.000	0.000	HORSE CREEK	0.000	300	0.000	300
Total	0.029	5.208	Total	0.152	300	0.152	300
South Platte(No Designated Basin Streams)	0.000	0.000	South Platte Basin(No Designated Basin Streams)	---	---	---	---
Arkansas(No Designated Basin Streams)	0.000	0.008	Arkansas Basin(No Designated Basin Streams)	0.004	300	---	300
Designated Basin	0.029	5.200	Designated Basin	0.149	300	---	300

Created by EKT on December 14, 2023

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

Exhibit A
Replacement Plan - Determination No.: 1147-BD-BD
Page 1 of 1

Designated Basin Summary Table for Elliott Pumping Rate of 0.55 acre-feet per year for 300 Years from the Denver aquifer Section(s): Section 4, T14S, 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	0.5	0.000	0.0	155	0.5	0.062	11.2
10	0.5	0.000	0.0	160	0.5	0.065	11.8
15	0.5	0.000	0.1	165	0.5	0.068	12.4
20	0.5	0.001	0.2	170	0.5	0.071	13.0
25	0.5	0.001	0.3	175	0.5	0.074	13.5
30	0.5	0.002	0.4	180	0.5	0.078	14.1
35	0.5	0.003	0.5	185	0.5	0.081	14.7
40	0.5	0.004	0.7	190	0.5	0.084	15.3
45	0.5	0.005	1.0	195	0.5	0.087	15.9
50	0.5	0.007	1.2	200	0.5	0.090	16.4
55	0.5	0.008	1.5	205	0.5	0.094	17.0
60	0.5	0.010	1.8	210	0.5	0.097	17.6
65	0.5	0.012	2.2	215	0.5	0.100	18.1
70	0.5	0.014	2.5	220	0.5	0.103	18.7
75	0.5	0.016	2.9	225	0.5	0.106	19.2
80	0.5	0.018	3.3	230	0.5	0.109	19.8
85	0.5	0.021	3.8	235	0.5	0.112	20.4
90	0.5	0.023	4.2	240	0.5	0.115	20.9
95	0.5	0.026	4.7	245	0.5	0.118	21.4
100	0.5	0.029	5.2	250	0.5	0.121	22.0
105	0.5	0.031	5.7	255	0.5	0.124	22.5
110	0.5	0.034	6.2	260	0.5	0.127	23.0
115	0.5	0.037	6.7	265	0.5	0.129	23.5
120	0.5	0.040	7.3	270	0.5	0.132	24.0
125	0.5	0.043	7.8	275	0.5	0.135	24.6

130	0.5	0.046	8.4	280	0.5	0.138	25.1
135	0.5	0.049	8.9	285	0.5	0.141	25.6
140	0.5	0.052	9.5	290	0.5	0.143	26.0
145	0.5	0.055	10.1	295	0.5	0.146	26.5
150	0.5	0.059	10.6	300	0.5	0.149	27.0

Created by EKT on December 14, 2023

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

Stream Depletion for Elliott								
Pumping Rate of 0.55 acre-feet per year for 300 Years from the Denver aquifer								
	Kiowa Bijou Designated		Upper Big Sandy Designated		Upper Black Squirrel		TOTAL	
	BIJOU		BIG SANDY		BLACK SQUIRREL-UBSCDB			
Time	q/Q	vol./yr	q/Q	vol./yr	q/Q	vol./yr	q/Q	vol./yr
(yr)	(%)	(af/yr)	(%)	(af/yr)	(%)	(af/yr)	(%)	(af/yr)
0	0.0	0.000	0.0	0.000	0.0	0.000	0.0	0.000
5	0.0	0.000	0.0	0.000	0.0	0.000	0.0	0.000
10	0.0	0.000	0.0	0.000	0.0	0.000	0.0	0.000
15	0.0	0.000	0.0	0.000	0.1	0.000	0.1	0.000
20	0.0	0.000	0.0	0.000	0.2	0.001	0.2	0.001
25	0.0	0.000	0.0	0.000	0.3	0.001	0.3	0.001
30	0.0	0.000	0.0	0.000	0.4	0.002	0.4	0.002
35	0.0	0.000	0.0	0.000	0.5	0.003	0.5	0.003
40	0.0	0.000	0.0	0.000	0.7	0.004	0.7	0.004
45	0.0	0.000	0.0	0.000	1.0	0.005	1.0	0.005
50	0.0	0.000	0.0	0.000	1.2	0.007	1.2	0.007
55	0.0	0.000	0.0	0.000	1.5	0.008	1.5	0.008
60	0.0	0.000	0.0	0.000	1.8	0.010	1.8	0.010
65	0.0	0.000	0.0	0.000	2.2	0.012	2.2	0.012
70	0.0	0.000	0.0	0.000	2.5	0.014	2.5	0.014
75	0.0	0.000	0.0	0.000	2.9	0.016	2.9	0.016
80	0.0	0.000	0.0	0.000	3.3	0.018	3.3	0.018
85	0.0	0.000	0.0	0.000	3.8	0.021	3.8	0.021
90	0.0	0.000	0.0	0.000	4.2	0.023	4.2	0.023
95	0.0	0.000	0.0	0.000	4.7	0.026	4.7	0.026
100	0.0	0.000	0.0	0.000	5.2	0.029	5.2	0.029
105	0.0	0.000	0.0	0.000	5.7	0.031	5.7	0.031
110	0.0	0.000	0.0	0.000	6.2	0.034	6.2	0.034
115	0.0	0.000	0.0	0.000	6.7	0.037	6.7	0.037
120	0.0	0.000	0.0	0.000	7.3	0.040	7.3	0.040
125	0.0	0.000	0.0	0.000	7.8	0.043	7.8	0.043

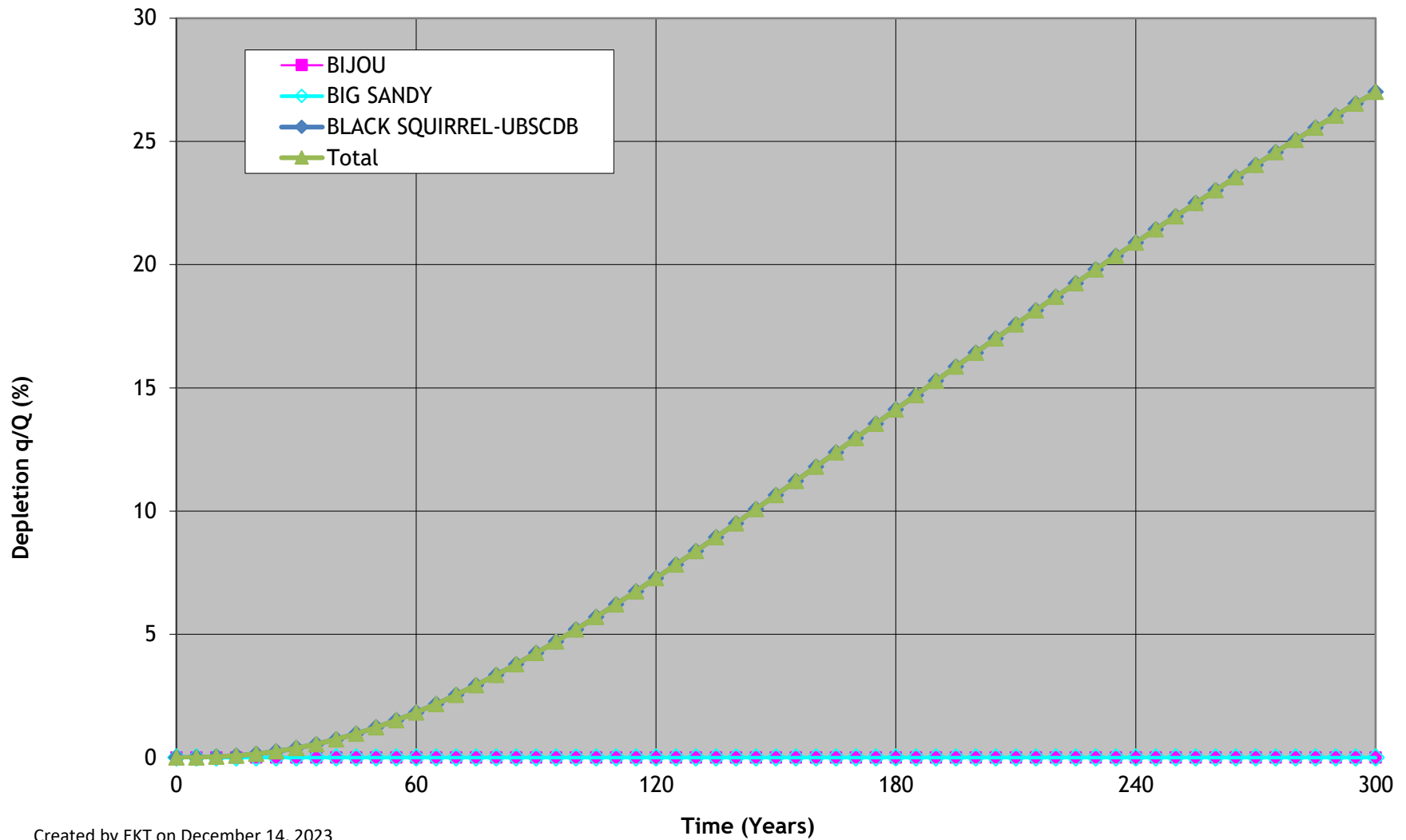
130	0.0	0.000	0.0	0.000	8.4	0.046	8.4	0.046
135	0.0	0.000	0.0	0.000	8.9	0.049	8.9	0.049
140	0.0	0.000	0.0	0.000	9.5	0.052	9.5	0.052
145	0.0	0.000	0.0	0.000	10.1	0.055	10.1	0.055
150	0.0	0.000	0.0	0.000	10.6	0.059	10.6	0.059
155	0.0	0.000	0.0	0.000	11.2	0.062	11.2	0.062
160	0.0	0.000	0.0	0.000	11.8	0.065	11.8	0.065
165	0.0	0.000	0.0	0.000	12.4	0.068	12.4	0.068
170	0.0	0.000	0.0	0.000	13.0	0.071	13.0	0.071
175	0.0	0.000	0.0	0.000	13.5	0.074	13.5	0.074
180	0.0	0.000	0.0	0.000	14.1	0.078	14.1	0.078
185	0.0	0.000	0.0	0.000	14.7	0.081	14.7	0.081
190	0.0	0.000	0.0	0.000	15.3	0.084	15.3	0.084
195	0.0	0.000	0.0	0.000	15.9	0.087	15.9	0.087
200	0.0	0.000	0.0	0.000	16.4	0.090	16.4	0.090
205	0.0	0.000	0.0	0.000	17.0	0.094	17.0	0.094
210	0.0	0.000	0.0	0.000	17.6	0.097	17.6	0.097
215	0.0	0.000	0.0	0.000	18.1	0.100	18.1	0.100
220	0.0	0.000	0.0	0.000	18.7	0.103	18.7	0.103
225	0.0	0.000	0.0	0.000	19.2	0.106	19.2	0.106
230	0.0	0.000	0.0	0.000	19.8	0.109	19.8	0.109
235	0.0	0.000	0.0	0.000	20.4	0.112	20.4	0.112
240	0.0	0.000	0.0	0.000	20.9	0.115	20.9	0.115
245	0.0	0.000	0.0	0.000	21.4	0.118	21.4	0.118
250	0.0	0.000	0.0	0.000	22.0	0.121	22.0	0.121
255	0.0	0.000	0.0	0.000	22.5	0.124	22.5	0.124
260	0.0	0.000	0.0	0.000	23.0	0.127	23.0	0.127
265	0.0	0.000	0.0	0.000	23.5	0.129	23.5	0.129
270	0.0	0.000	0.0	0.000	24.0	0.132	24.0	0.132
275	0.0	0.000	0.0	0.000	24.6	0.135	24.6	0.135
280	0.0	0.000	0.0	0.000	25.1	0.138	25.1	0.138
285	0.0	0.000	0.0	0.000	25.6	0.141	25.6	0.141
290	0.0	0.000	0.0	0.000	26.0	0.143	26.0	0.143

295	0.0	0.000	0.0	0.000	26.5	0.146	26.5	0.146
300	0.0	0.000	0.0	0.000	27.0	0.149	27.0	0.149

Created by EKT on December 14, 2023

Values for q/Q are not calculated when the pumping rate (Q) is changed to anything but zero.

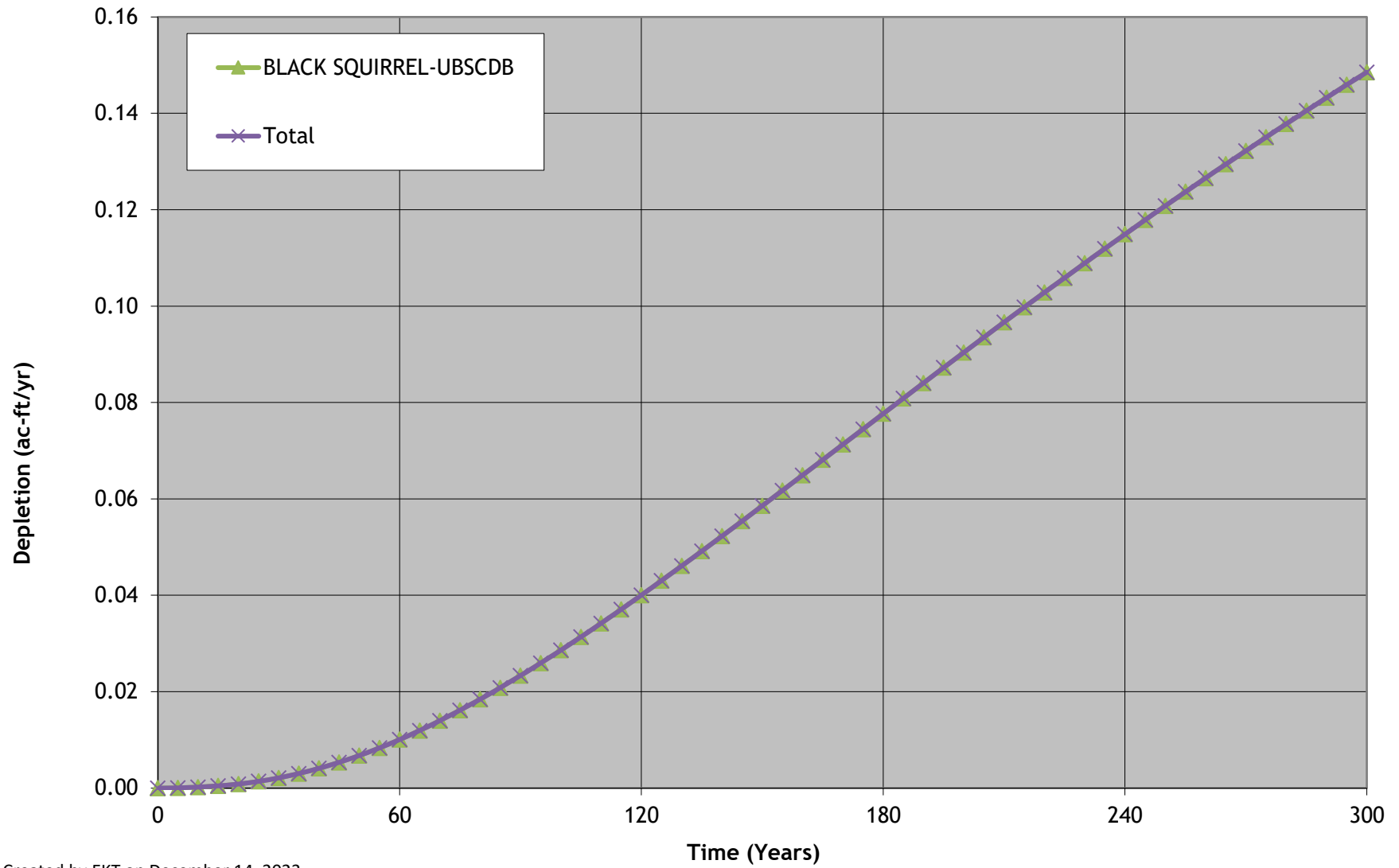
Stream Depletion for Elliott Pumping Rate of 0.55 acre-feet per year for 300 Years from the Denver aquifer



Created by EKT on December 14, 2023

If the pumping rate (Q) is changed to anything but zero q/Q is not calculated

Stream Depletion for Elliott
Pumping Rate of 0.55 acre-feet per year for 300 Years from the Denver aquifer



Pumping 0.6 ac-ft/yr for 300 years from Denver Aquifer at Section 4, T14S, R64W, 6th P.M.

Pumping 0.6 ac-ft/yr for 300 years from Denver Aquifer at Section 4, T14S, R64W, 6th P.M.

Pumping 0.6 ac-ft/yr for 300 years from Denver Aquifer at Section 4, T14S, R64

Table with multiple columns: Time, Time Step Length, Pumping Rate, Pumping, vol. this time step, cumulat vol., vol./Yr, Depletion (cfs), q/Q, vol. this time step, cumulat vol., vol./Yr, Depletion (cfs), q/Q, vol. this time step, cumulat vol., vol./Yr, Depletion (cfs), q/Q, vol. this time step, cumulat vol., vol./Yr, Depletion (cfs), q/Q, vol. this time step, cumulat vol., vol./Yr. Rows range from 5.0 to 300.0.

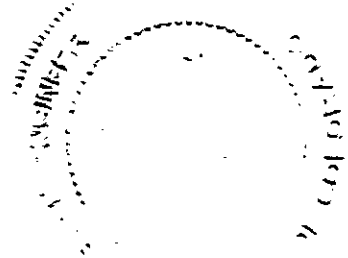
**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

APPLICANT: THOUSAND HILLS LAND & CATTLE CO., LLC

AQUIFER: DENVER

DETERMINATION NO.: 1147-BD



In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Thousand Hills Land & Cattle Co., LLC (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Denver Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on January 24, 2007.
2. The applicant requests a determination of rights to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 49.2 acres, generally described as the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 14 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated January 23, 2007, the applicant owns the 49.2 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, industrial, irrigation, and replacement supply. The applicant states that these uses may be supplied with a central system. The applicant's proposed place of use of the allocated ground water is the above described 49.2 acre land area. January 12, 2024
6. The replacement water requirement for withdrawal of ground water from the aquifer underlying the 49.2 acres of overlying land claimed by the applicant consists of two different requirements, which effectively divides the claimed land into two areas. The amount of ground water in the aquifer and a maximum annual amount available for allocation will be determined specifically for the aquifer underlying each of the two areas. These areas are designated and described as follows:

Area A – 45.0 acres, generally described as the majority of the applicant's claimed overlying land area, excluding the southwest corner thereof.

Area B – 4.2 acres, generally described as the southwest corner of the applicant's claimed overlying land area.

These two areas are depicted in a map attached hereto as Exhibit B.

7. The quantity of water in the aquifer underlying the 49.2 acres of land claimed by the applicant is as follows: Area A = 803 acre-feet; Area B = 71.4 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.
 - b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is as follows: Area A = 105 feet; Area B = 100 feet.
8. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
9. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 49.2 acres of overlying land claimed by the applicant is as follows: Area A = 8.0 acre-feet; Area B = 0.7 acre-feet.
10. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the maximum average annual amount of ground water available for allocation from the aquifer underlying the 45.0 acre portion of land claimed by the applicant, designated Area A, is reduced to 4.0 acre-feet to allow for the annual withdrawal of two small capacity wells which are completed in the aquifer, Permit Nos. 74444-A and 113499. Except for these wells, review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
11. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water 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.
12. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable 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.

13. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that the replacement water requirements for withdrawal of ground water from the aquifer underlying the subject land area are as follows:

Area A – Withdrawal of ground water from the aquifer underlying the 45.0 acre portion of land claimed by the applicant 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 and, therefore, the ground water is considered to be non-tributary ground water. Also, the location of the 45.0 acre portion of the land claimed by the applicant is closer than one mile from the aquifer contact with the alluvium. Withdrawal of water from the aquifer underlying the 45.0 acre portion of the claimed land area would impact the alluvial aquifer of Upper Black Squirrel Creek or its tributaries, 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 - providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this portion of the land area to withdraw the allocated ground water from the aquifer.

Area B – Withdrawal of ground water from the aquifer underlying the 4.2 acre portion of the land claimed by the applicant 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 and, therefore, the ground water is considered to be non-tributary ground water. Also, the location of the 4.2 acre portion of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

14. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
15. On February 15, 2007, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
16. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
17. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on February 22 and March 1, 2007.
18. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

19. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Denver Aquifer underlying 49.2 acres of land, generally described as as the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 14 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

20. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed the following: Area A = 4.0 acre-feet; Area B = 0.7 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
21. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
22. 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.
23. Replacement water requirements shall be as follows:
 - a. For the aquifer underlying the above-described 45.0 acres of Area A, 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 be located on the overlying land area to withdraw ground water from the aquifer.
 - i. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area A through wells located within Area A, the allowed maximum annual amount of withdrawal underlying the above-described Area B may be withdrawn through wells located on Area A, subject to the conditions of an approved replacement plan.

b. For the aquifer underlying the above-described 4.2 acres of Area B, at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

i. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area B through wells located within Area B, the allowed maximum annual amount of withdrawal underlying the above-described Area A may be withdrawn through wells located on Area B, subject to the conditions of an approved replacement plan.

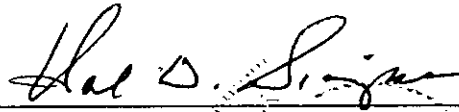
24. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, industrial, irrigation, and replacement supply. The place of use shall be limited to the above described 49.2 acre land area.
25. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 49.2 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
26. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
- a. The wells shall be located on the above described 49.2 acre overlying land area.
- b. The wells must be constructed to withdraw water from only the Denver Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
- c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
- d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
- e. 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.

Applicant: Thousand Hills Land & Cattle Co., LLC
Aquifer: Denver
Determination No.: 1147-BD

f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

27. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 49.2 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 16th day of April, 2007.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst

Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR



COLORADO
Division of Water Resources
 Department of Natural Resources
 1313 SHERMAN ST, STE 821
 DENVER, CO. 80203

RECEIPT

Date: 1/12/2024 3:47:56 PM
 Order Number: 37950
 Transaction Number: 46321

Cashier: 75220

HAYES POZNANOVIC KORVER LLC
 RUTH MARQUIS
 700 17TH ST., SUITE 1800
 DENVER, CO. 80202

Application/Receipt	Quantity	Description	Price	Extended Price
10033812	1	Designated Basin Applications and Changes (Legacy Code: 19)	\$100.00	\$100.00

Subtotal: \$100.00
 Service Fee: \$1.00

 Total: \$101.00
 (Electronic Check) \$101.00
 Tendered: [*3970]
 Change: \$0.00



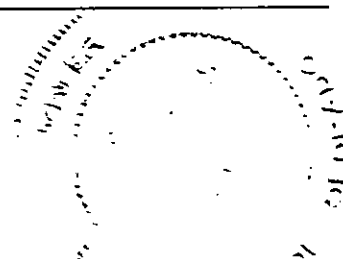
**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO
ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK
DESIGNATED GROUND WATER BASIN

APPLICANT: THOUSAND HILLS LAND & CATTLE CO., LLC

AQUIFER: ARAPAHOE

DETERMINATION NO.: **1146-BD**



In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Thousand Hills Land & Cattle Co., LLC (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Arapahoe Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on January 24, 2007.
2. The applicant requests a determination of rights to designated ground water in the Arapahoe Aquifer (hereinafter "aquifer") underlying 49.2 acres, generally described as the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 14 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated January 23, 2007, the applicant owns the 49.2 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, industrial, irrigation, and replacement supply. The applicant states that these uses may be supplied with a central system. The applicant's proposed place of use of the allocated ground water is the above described 49.2 acre land area.
6. The quantity of water in the aquifer underlying the 49.2 acres of land claimed by the applicant is 1,422 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 170 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
 8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 49.2 acres of overlying land claimed by the applicant is 14.2 acre-feet.
 9. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
 10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water 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.
 11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable 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.
 12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant 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 and, therefore, the ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
 13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
 14. On February 15, 2007, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on February 22 and March 1, 2007.
17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
18. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Arapahoe Aquifer underlying 49.2 acres of land, generally described as as the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 14 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

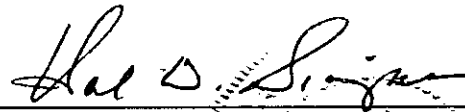
19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 14.2 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
21. 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.
22. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, industrial, irrigation, and replacement supply. The place of use shall be limited to the above described 49.2 acre land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 49.2 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 49.2 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Arapahoe Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit and, except for wells permitted pursuant to this determination of water right, must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
 - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.
26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 49.2 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

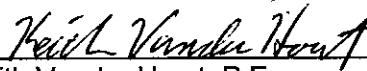
Applicant: Thousand Hills Land & Cattle Co., LLC
Aquifer: Arapahoe
Determination No.: 1146-BD

Page 5

Dated this 16th day of April, 2007.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR

EXHIBIT A

1146-BD

RECEIVED

GWS-1 (Rev. Sept 1996)

Page 1 of 2

JAN 24 2007

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

WATER RESOURCES
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Thousand Hills Land & Cattle Co., LLC
(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 49.2 acres in the County of El Paso, State of Colorado:

Northeast Quarter of the Northeast Quarter and the East Half of the East Half of the Northwest

Quarter of the Northeast Quarter, Section 4, Township 14 South, range 64 West

and, that the ground water sought to be withdrawn from the Arapahoe aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's withdrawal by another.

Further, I (we) claim and say that I (we) have read the statements made herein; know the contents hereof; and that the same are true to my (our) own knowledge.



(Signature)

1-23-2007

(Date)

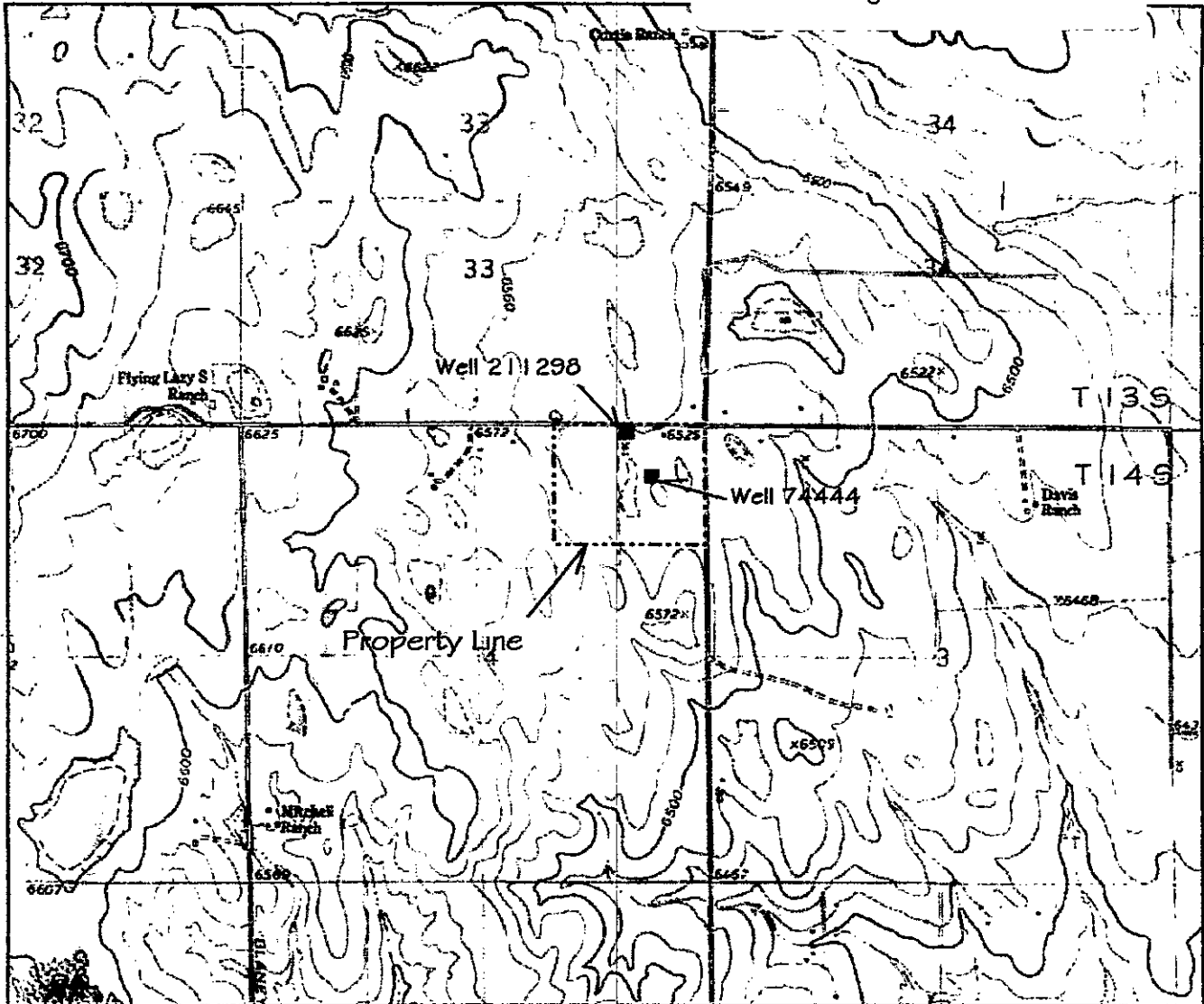
(Signature)

(Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

R 64 W



Printed from TOPO! ©2000 Wildflower Productions (www.topo.com)

RECEIVED

JAN 24 2007

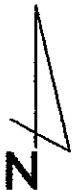
WATER RESOURCES
STATE ENGINEER
COLO.

Location Map

Thousand Hills Land & Cattle Co. Property

Wm Curtis Wells & Co.
consulting ground water geologists

Figure 1



Scale 1" = 2000'

Analytical Results

Domestic Water Quality

TASK NO: 240501020

Report To: Elliott

Company: Thousand Hills LLC
812 E. Monument St.
Colorado Springs CO 80903

Bill To: Elliott

Company: Thousand Hills LLC
812 E. Monument St.
Colorado Springs CO 80903

Task No.: 240501020
Client PO: PAID CC
Client Project: No Project Provided

Date Received: 5/1/24
Date Reported: 5/8/24
Matrix: Water - Drinking

Customer Sample ID ARAP-1

Sample Date/Time: 4/29/24 10:00 AM

Lab No. 240501020-01

Test (units)	Sample Result	Suggested Maximum	Comments
Total Alkalinity (mg/L as CaCO ₃)	141.5	250	
Bicarbonate (mg/L as CaCO ₃)	116.1	250	
Carbonate (mg/L as CaCO ₃)	25.4		
Hydroxide (mg/L as CaCO ₃)	< 0.2		
Chloride (mg/L)	4.4	250	
Iron (mg/L)	0.011	0.3	
Fluoride (mg/L)	1.07	4	
Potassium (mg/L)	0.3	50	
Nitrate Nitrogen (mg/L)	< 0.05	10	
pH (units)	8.86	8.5	
Calcium (mg/L)	2.2	200	
Magnesium (mg/L)	0.03	125	
Sodium (mg/L)	87.0	100	
Sodium Adsorption Ratio (units)	15.9	4	High Sodium Adsorption Ratio indicates this water will likely inhibit plant growth (Not suitable for irrigation).
Total Hardness (mg/L as CaCO ₃)	5.7	500	
Sulfate (mg/L)	45.7	250	
Total Dissolved Solids (est.) (mg/L)	271	500	

Abbreviations:

mg/L = Milligrams Per Liter or PPM

mpn/100 mls = Most Probable Number Index/ 100 mls

Suggested maximum levels for Nitrate Nitrogen and Fluoride are mandatory maximums set by The Colorado Department of Public Health and Environment.

Analytical Results

Domestic Water Quality

TASK NO: 240501020

Report To: Elliott
Company: Thousand Hills LLC
812 E. Monument St.
Colorado Springs CO 80903

Bill To: Elliott
Company: Thousand Hills LLC
812 E. Monument St.
Colorado Springs CO 80903

Task No.: 240501020
Client PO: PAID CC
Client Project: No Project Provided

Date Received: 5/1/24
Date Reported: 5/8/24
Matrix: Water - Drinking

Customer Sample ID DEN-1
Sample Date/Time: 4/29/24 9:45 AM
Lab No. 240501020-02

Test (units)	Sample Result	Suggested Maximum	Comments
Total Alkalinity (mg/L as CaCO3)	70.3	250	
Bicarbonate (mg/L as CaCO3)	52.8	250	
Carbonate (mg/L as CaCO3)	17.4		
Hydroxide (mg/L as CaCO3)	< 0.2		
Chloride (mg/L)	16.5	250	
Iron (mg/L)	0.013	0.3	
Fluoride (mg/L)	2.37	4	
Potassium (mg/L)	0.2	50	
Nitrate Nitrogen (mg/L)	0.15	10	
pH (units)	8.99	8.5	
Calcium (mg/L)	3.6	200	
Magnesium (mg/L)	0.04	125	
Sodium (mg/L)	98.0	100	
Sodium Adsorption Ratio (units)	14.1	4	High Sodium Adsorption Ratio indicates this water will likely inhibit plant growth (Not suitable for irrigation).
Total Hardness (mg/L as CaCO3)	9.1	500	
Sulfate (mg/L)	127	250	
Total Dissolved Solids (est.) (mg/L)	360	500	

Abbreviations:

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

Suggested maximum levels for Nitrate Nitrogen and Fluoride are mandatory maximums set by The Colorado Department of Public Health and Environment.

Drinking Water Chain of Custody



LABORATORIES, INC.

Commerce City Lab
10411 Heinz Way
Commerce City CO 80640

Lakewood Service Center
610 Garrison Street, Unit E
Lakewood CO 80215

Phone: 303-659-2313

www.coloradolab.com

Report To Information		Bill To Information (If different from report to)		Project Information	
Company Name: <u>Thousand Hills</u>		Company Name: <u>Same</u>		PWSID: _____	
Contact Name: <u>ELlette</u>		Contact Name: _____		System Name: _____	
Address: <u>812 E monument st</u>		Address: _____		Compliance Samples: Yes <input type="checkbox"/> No <input type="checkbox"/>	
City: <u>Colo Spgs</u> State: <u>Co</u> zip: <u>80803</u>		City: _____ State: _____ Zip: _____		Send Results to CDPHE: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Phone: <u>719-238-4234</u>		Phone: _____		Task Number (Lab Use Only)	
Email: <u>thousandhills88@gmail.com</u>		PO Number: _____		CAL Task 240501020	
Sample Collector: <u>ELlette</u>		Sample Collector Phone: _____		JAK	

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

Date	Time	Client Sample ID / Sample Pt. ID	No. of Containers	Residual Chlorine (mg/L) P/A Samples Only	Total Coliform P/A	504.1 EDB/DBCP	505 Pests/PCBs	515.4 Herbicides	524.2 VOCs	525.2 SOCs-Pest	531.1 Carbamates	547 Glyphosate	548.1 Endothall	549.2 Diquat	524.2 TTHMs	552.2 HAA5s	Lead/Copper	Nitrate	Nitrite	Fluoride	Inorganics	Alk./Lang. Index (Circle)	TOC, DOC (Circle)	SUVA, UV 254 (Circle)	Gross Alpha/Beta	Radium 226/228	Radon	Uranium	Chlorite	
<u>4/29/24</u>	<u>10 AM</u>	<u>ACAP-1</u>	<u>1</u>																											
<u>4/29/24</u>	<u>9:45A</u>	<u>Den-1</u>	<u>1</u>																											

Instructions:

C/S Info:

Seals Present Yes No Headspace Yes No

Delivered Via: UPS

C/S Change

Temp: 18 °C/Ice N

Sample Pres. Yes No

Relinquished By: _____

Date/Time: _____

Received By: _____

Date/Time: _____

Relinquished By: _____

Date/Time: _____

Received By: Adams

Date/Time: 5/1/24