



June 2024

Water Resources Report

Latigo Trails Filing No. 10

Tech Contractors
11910 Tourmaline, Ste 130
Falcon, CO 80831
PCD Project No.: SF-24xxx

INTRODUCTION

Purpose

This document addresses the water resources by the Meridian Service Metropolitan District (MSMD) as it relates to the Latigo Trails development and the Trails Filing No. 10 final plat in particular. MSMD is the entity responsible to ensure the continuing operation and maintenance of the potable water delivery improvements. MSMD has been providing treated water to the Latigo Trails and Meridian Ranch developments since 2003. Treatment of the water consists of disinfection of the water as required for all community water systems in addition to addressing iron, manganese and turbidity commonly found in Denver basin ground water wells. Monthly reporting is provided to the Colorado Department of Public Health and Environment (CDPHE) as required, to date there have been no deficiencies.

Description of the Service Area

MSMD provides water and wastewater services to Meridian Ranch which encompasses 2,620 acres of existing and proposed residential, commercial, and business development. Latigo is not located within the taxing boundaries of MSMD, but MSMD does provide water service to Latigo as an out of district user per a 2001 Intergovernmental Agreement to provide water service to a maximum of 292 SFEs. Project is located approximately 19 miles northeast of downtown Colorado Springs, 4.5 miles north of the town of Falcon and immediately north of the Meridian Ranch development. The development is located within portions of Sections 9, 16, and 17 of Township 12 South, Range 64 West and consists of residential and open space/park uses. The water system that serves Meridian Ranch and Latigo is classified as a “public water system” (PWSID# CO0121455) and meets the applicable requirements of the Colorado Department of Public Health and Environment.

The project is situated in the Upper Black Squirrel Creek Designated Groundwater Basin which is managed by the Upper Black Squirrel Creek Management District. MSMD currently provides service to over 17,000 in equivalent population in several filings within Meridian Ranch and portions of the Latigo Trails development as an out of district user.

QUANTITY OF WATER

The land use information shown below is derived from the approved Meridian Ranch Sketch Plan and the MSMD-Latigo IGA and provides a permanent resident and employment forecast for MSMD expected to be obtained for the ultimate build-out. By applying the El Paso County unit water demand factors to the land use forecasts, the quantity of water required for the development may be forecast for the proposed project and the ultimate development. The estimated service population and land use can be found in Table 1 - Land Use/Population below.

Table 1 - Land Use/Population

	MSMD Master Plan 5,443 SFEs Total				Existing/Approved Projects: Meridian Ranch Filings 1 - 11 Estates 2 & 3, ERHR 1 & 2, Latigo Trails 2A, 7 - 9 RHR 1-3, RHRN1 & 2, Sanctuary, Stonebridge 1 - 4, The Vistas Filing 1, WindingWalk 1 & 3				Proposed: The Trails Filing 10				Projected Total			
Land Use	Units/ Acres	Pop.	Emp.	Equiv. Pop.	Units/ Acres	Pop.	Emp.	Equiv. Pop.	Units/ Acres	Pop.	Emp.	Equiv. Pop.	Units/ Acres	Pop.	Emp.	Equiv. Pop.
Meridian SFE ¹	5,000	13,750	-	13,750	5,000	13,750	-	13,750	-	-	-	-	5,000	13,750	-	13,750
Latigo SFE ¹	292	803	-	803	151	415	-	415	43	118	-	118	194	534	-	534
School ²	113	5,330	506	5,836	83	2,830	268	3,098	-	-	-	-	83	2,830	268	3,098
Commercial ³	15	-	73	73	10	-	57	57	-	-	-	-	10	-	57	57
Civic	23	-	30	30	14	-	21	21	-	-	-	-	14	-	21	21
Park/ Streetscape	85	-	-	-	85	-	-	-	-	-	-	-	85	-	-	-
Golf Course	174	-	12	12	174	-	12	12	-	-	-	-	174	-	12	12
TOTAL		19,883	621	20,504		16,995	358	17,353		118	-	118		17,114	358	17,471

¹ Maximum of 5000 single family dwelling units in Meridian Ranch, 292 for Latigo Trails. 2.75 persons/single family dwelling unit per El Paso County Falcon-Peyton Master Plan, Chapter 2.3.3 Population Projections

²Falcon Schools: High school current enrollment – 2,230, planned expansion - 900, Meridian Ranch Elem. enrollment – 600, Future middle school & elem. – 1,600. Staffing based on 9.5% staff-student ratio. (Source: Falcon School District).

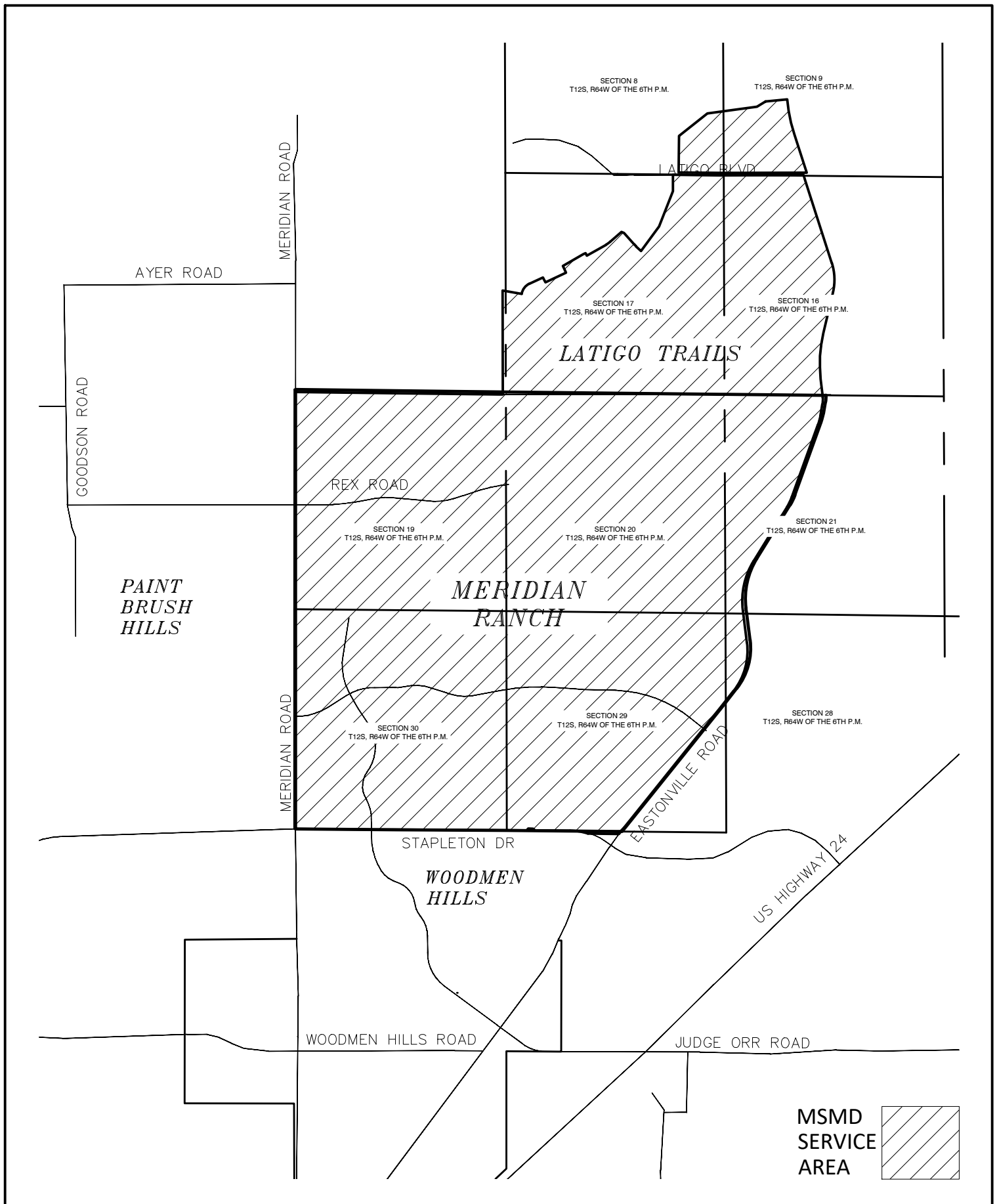
³Commercial building area equals 18% of gross commercial area. One employee/1250 sq. ft. of commercial area.

Water Demand

Unit water demands are based on industry standard factors and MSMD historic water demand figures. Demand is first calculated in acre feet per year (AFY) to determine the water supply needs. This value is then factored to determine the average daily demand (ADD) in gallons per minute (GPM). This figure is used to project the maximum daily demand (MDD) and peak hour demand (PHD) and can be used to estimate revenues and operating costs. The maximum daily demand and the peak hour demand have been determined by applying the accepted peaking factors of 2.5 and 4.0 to the ADD respectively. The MDD is used to determine the storage needs and the PHD is used for modeling the system delivery pressures and to size the distribution mains. See Table 2 - Water Demand below for more information.

MSMD reviewed the records of the single family residential usage over the of 2011-2020 for average annual demand in acre-feet per year. Historically, MSMD has been using 0.33 AFY, however the analysis revealed that the average MSMD resident is using far less water on an annual average. The usage averages approximately 0.285 AFY. This can be attributed to water conservation measures build into the home such as low-flow shower heads and low flush toilets. Therefore, the total water demand for single family residential homes will be based on 0.31 acre-feet per year (includes outside irrigation).

New total water demand calculations are included with this report based on a water demand for single family residential home of 0.31 acre-feet per year (includes outside irrigation), 25 gallons per day for students and staff at the school sites and 45 gallons per day per person for all other uses. The irrigation demand for irrigation is based on 0.0566 acre-feet per year for every 1,000 square feet of irrigated landscape. The irrigation demand for the open space is based on five percent of irrigated land and the



	SCALE: N.T.S. DATE: JUNE 2022 DRAWN: TAK CHECK: MB	<h2 style="text-align: center;">SERVICE AREA MAP</h2> <p style="text-align: center;">MERIDIAN SERVICE METROPOLITAN DISTRICT FALCON, COLORADO</p>	MERIDIAN RANCH METRO DISTRICT 11886 STAPLETON DRIVE FALCON, CO 80831 TELEPHONE: 719.495.6567 FAX: 719.495.2457
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commercial/business at ten percent of irrigated land at 0.0566 acre-feet per year for every 1,000 square feet.

Table 2 - Water Demand

Land Use	Master Plan 5,292 SFEs Total				Existing/Approved Projects				Proposed: The Trails Filing 10				Projected Current Demand			
	AFY	ADD	MDD	PHD	AFY	ADD	MDD	PHD	AFY	ADD	MDD	PHD	AFY	ADD	MDD	PHD
	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm	gpm
<i>Potable</i>																
Meridian SFE ¹	1550	961	2,402	3,843	1,550	961	2,402	3,843	-	-	-	-	1,550	961	2,402	3,843
Latigo SFE ¹	91	56	140	224	47	29	73	116	13	8	21	33	60	37	93	149
School	163	101	253	405	87	54	134	215	-	-	-	-	87	54	134	215
Commercial	4	2	6	9	3	2	4	7	-	-	-	-	3	2	4	7
Civic	2	1	2	4	1	1	2	3	-	-	-	-	1	1	2	3
Paint Brush Hills Metro ²	85	-	-	-	85	-	-	-	-	-	-	-	85	-	-	-
Golf Course	1	0.4	1	2	1	0.4	1	2	-	-	-	-	1	0.4	1	2
Subtotal	1895	1,122	2,805	4,488	1,773	1,046	2,616	4,186	13.3	8.3	20.7	33	1,786	1,055	2,637	4,219
<i>Irrigation</i>																
Single Family Residential	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
School	37	23	57	91	27	17	42	67	-	-	-	-	27	17	42	67
Commercial	4.9	3.0	7.5	12.0	3.4	2.1	5.2	8.3	-	-	-	-	3.4	2.1	5.2	8.3
Civic	7.4	4.6	11.5	18.5	4.4	2.7	6.8	10.8	-	-	-	-	4.4	2.7	6.8	10.8
Park/ Streetscape	28	17	43	68	28	17	43	68	-	-	-	-	28	17	43	68
Regional Park ³	25	15	39	62	25	15	39	62	-	-	-	-	25	15	39	62
Golf Course ⁴	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	101	63	157	251	87	54	135	216	-	-	-	-	87	54	135	216
Total	1,996	1,185	2,962	4,739	1,860	1,101	2,751	4,402	13.3	8	21	33	1,874	1,109	2,772	4,435

¹ Single Family Residential water demand is based on 0.31 AFY (10-yr ave. residential consumption per SFE is 0.29 AFY). This amount includes both domestic indoor use and outside irrigation.

² Perpetual lease to Paint Brush Hills Metropolitan District

³ Perpetual lease to El Paso County for Falcon Regional Park

⁴ Golf Course irrigation is provided by surface water diversion. Absolute Decree Case No. 2005CW43

WATER SUPPLY

The service area is located in the Upper Black Squirrel Creek Groundwater Management District and the water bearing formations in descending stratigraphic order are the Dawson, Denver, Arapahoe, and Laramie Fox Hills. These four aquifers are collectively known as the Denver Basin aquifers and are found approximately at depths of 500, 1,400, 1,900, and 2,500 feet below the ground surface.

Table 3 Water Supply (below) shows the maximum annual yield of water currently appropriated by the Colorado Ground Water Commission for use within the MSMD.

The Meridian Ranch development has water rights and appropriation for the Denver Basin groundwater and renewable alluvial ground water. The above table has been updated and corrected to reflect the various annual replacement obligations of some rights and the removal of a Guthrie water right that has been inadvertently included as available for use by MSMD.

Table 3 Water Supply

Well No.	Permit No.	Appropriation	State Maximum Annual Appropriation (100-yr) (AFY)	El Paso County Maximum Annual Appropriation (300-yr) (AFY)	Replacement Obligation (AFY)	Net El Paso County Maximum Annual Appropriation (AFY)
Meridian Ranch						
DA-1	60140-F	157-BD	31.9	10.6	0.2	10.4
FUTURE DAWSON			820.0	273.3	26.0	247.3
D-3	64496-F	156-BD	1171.0	390.3	15.6	374.7
A-1	56516-F	155-BD	942.0	314.0	6.3	307.7
A-2	56517-F					
A-4	59680-F					
A-5	84844-F					
A-6	82765-F					
A-7	84556-F					
A-8	84557-F					
A-9	59681-F					
LFH-1	56513-F	154-BD	755.0	251.7	5.0	246.7
LFH-2	56514-F					
LFH-3	56515-F					
LFH-4	59678-F					
LFH-5	84845-F					
LFH-6	82766-F					
LFH-7	84558-F					
LFH-8	84559-F					
LFH-9	59679-F					
TOTAL	Meridian Ranch		3719.9 AFY	1239.9 AFY	53.1 AFY	1186.8 AFY
Guthrie Ranch						
G LFH-1 ³	61234-F ²	228-BD	289.5	96.5	1.9	94.6
G LFH-2 ³	61235-F ²	4436-BD				
G A-1 ³	61236-F ¹	229-BD	241.6	80.5	1.6	78.9
G A-2 ³	61237-F ¹	4437-BD				
G No. 1 ⁴	612-RFP-R	Permit Date 8/26/03	170.0	170.0		170.0
G No. 2 ⁴	27554-FP-R	Permit Date 7/28/05	30.0	30.0		30.0
TOTAL	Guthrie Ranch		731.1 AFY	377.0 AFY	3.5 AFY	373.5 AFY
Latigo Trails						
FUTURE ARAPAHOE		568-BD	124.6	41.5	0.8	40.7
FUTURE DENVER		569-BD	276.9	92.3	3.7	88.6
			92.7	30.9	0.6	30.3
DA-2	74410-F	570-BD	130.0	43.3	0.9	42.4
DA-3	74409-F		223.9	74.6	0.4	74.2
FUTURE DAWSON						
LFH-1	46406-F	Permit Date 8/07/06	453.0	151.0	3.0	148.0
TOTAL	Latigo Trails		1301.1 AFY	433.6 AFY	9.4 AFY	424.2 AFY
Hart Ranch						
FUTURE LARAMIE FOX ³		2099-BD	125.0	20.8	0.4	20.4
FUTURE ARAPAHOE ³		2100-BD	103.0	17.2	0.3	16.9
TOTAL	Hart Ranch		228.0 AFY	38.0 AFY	0.8 AFY	37.2 AFY
TOTAL WATER AVAILABLE TO MSMD			5980 AFY	2089 AFY	67 AFY	2022 AFY

¹ Well permit number for well appropriation 229-BD (Total appropriation of 483.2 AFY).

² Well permit number for well appropriation 228- BD (Total appropriation of 579 AFY).

³ Total appropriation is an equal split of ground water with Woodmen Hills Metropolitan District (WHMD).

⁴ Total appropriation is split with WHMD, 69% Meridian Ranch, 31% Woodmen Hills

The annual replacement water obligations are connected to the Denver Basin aquifers located on Guthrie Ranch where 2% of the water withdrawn is to be relinquished to the Alluvial near the withdrawal point. The Dawson wells of the future to be located within the boundary of Meridian Ranch and Latigo Trails (157-BD & 570-BD, respectively) are to

be replaced per the approved 2008 Replacement Plan. The replacement obligations will increase over time capping at year 300. The obligation has been estimated using the average annual obligation over the 300-year span.

It should also be noted that although the Guthrie Denver Basin Aquifers (228-BD & 229-BD) are listed above in the full portfolio of MSMD water rights, water from these sources are not to be used when determining sufficiency since the other sources list are more than sufficient to serve current and future development within Latigo Trails.

MSMD is currently extracting groundwater from 17 wells located within the MSMD boundary, three (3) off-site wells located within the Latigo Trails development, and six (6) wells from the offsite area known as Guthrie Ranch.

Water System Improvements

The MSMD water system is classified as a “public water system” and meets all the applicable requirements of the CDPHE. The developer will be required to construct and convey to MSMD a central water distribution system to service the Property, including underground piping, valves, pressure reducing vaults, and fire hydrants, at the developer’s sole expense. The developer shall install any raw or treated water pipelines necessary to connect the development and the wells on the Property to MSMD’s facilities at the Property’s boundaries.

The water system uses groundwater as its primary source of supply. Filtration and disinfection facilities have been constructed at a central location to ensure good water quality. Elevation differences that exist throughout the property require that the distribution system is divided into two pressure zones to ensure that the water is delivered at no less than 40 psi during peak hour flow and at no more than 120 psi during periods of low use. Storage facilities and distribution piping are provided to ensure that the residual pressure requirements are achieved both during peak hour demands and during maximum day demands with a superimposed fire flow of 1500 GPM for the residential areas and up to 3500 GPM for commercial areas. The upper pressure zone (Zone 1) is a closed loop distribution system served by pumps that provide the required pressures, these are in the same location as the filtration and disinfection facilities. The lower pressure zone (Zone 2) is a conventional gravity system served by storage tanks to provide the required pressures.

MSMD currently provides water service to 151 Latigo Trails home sites as out of district users. The proposed 43 additional lots puts the total Latigo SFEs at 194, below the 292 SFEs maximum allowed per the 2001 Water Service Agreement, as amended. MSMD has sufficient water resources and facilities to provide water for the Latigo Trails Filing No. 10.

Appendix A – Water Rights and Decrees

Owner(s)	Well Location	Aquifer	Case/DWR Well Name	NT or NNT	Permit No.	100-yr Total Amount (ac-ft)	100-yr MSMD Share (ac-ft)	300-yr Annual Amount (ac-ft)	Source Location
MSMD	Meridian	LFH	154-BD	NT		755	755	251.7	2,650 acres generally described as all of Section 19 all of Section 20, that part of the W 1/2 of Section 21 lying west of Eastonville Road that part of the NW 1/4 of Section 28 lying west of Eastonville Road that part of Section 29 lying west of Eastonville Road and all of Section 30. No more than 98% of water withdrawn annually shall be consumed.
			LFH-1		56513-F				
			LFH-2		56514-F				
			LFH-3		56515-F				
			LFH-4		59678-F				
			LFH-5		84845-F				
			LFH-6		82766-F				
			LFH-7		84558-F				
			LFH-8		84559-F				
			LFH-9		59679-F				
		Arapahoe	155-BD	NT		942	942	314.0	Same as above. No more than 98% of water withdrawn annually shall be consumed.
			A-1		56516-F				
			A-2		56517-F				
			A-4		59680-F				
			A-5		84844-F				
			A-6		82765-F				
			A-7		84556-F				
			A-8		84557-F				
			A-9		59681-F				
		Denver	156-BD	NNT		1171	1171	390.3	Same as above. 4% of annual total return to upper most aquifer required for all water withdrawn.
			DEN-3		64496-F				
		Dawson	157-BD	NT/NNT		820	820	273.3	MSMD (Sec 19, 20, 29, 30) 2466 ac Requires replacement per Approved Replacement Plan dated 10/29/2008
			DA-1	NT	60140-F	31.9	31.9	10.6	MSMD (Sec 21) 103 ac
	Latigo	Arapahoe	568-BD	NT		124.6	124.6	41.5	977.19 acres consisting of three non-contiguous areas generally described as:
						92.1	92.1	30.7	Southern - 722.61 ac. tract located in that part of Section 16 west of Eastonville Road and in the E 1/2 the SW 1/4 and the SE 1/4 of the NW 1/4 of Section 17. No more than 98% of water withdrawn annually shall be consumed.
						27.7	27.7	9.2	Northern - 217.23 ac tract located in the SE 1/4 of the SW 1/4 in the SE 1/4 and in the SE 1/4 of the NE 1/4 of Section 8 and in the SW 1/4 and SW 1/4 of the NW 1/4 of Section 9. No more than 98% of water withdrawn annually shall be consumed.
						4.8	4.8	1.6	Western - 37.35 ac tract primarily located in a part of the S 1/2 of the SW 1/4 of Section 8 and partially located in the N 1/2 of the N 1/2 of the NW 1/4 of Section 17. No more than 98% of water withdrawn annually shall be consumed.
		Denver	569-BD	NT/NNT		369.6	369.6	123.2	977.19 acres consisting of three non-contiguous areas generally described as:
						276	276	92.0	Southern - 722.61 ac. tract located in that part of Section 16 west of Eastonville Road and in the E 1/2 the SW 1/4 and the SE 1/4 of the NW 1/4 of Section 17 4% Relinquish to Alluvial required for all water withdrawn.
						79.3	79.3	26.4	Northern - 217.23 ac tract located in the SE 1/4 of the SW 1/4 in the SE 1/4 and in the SE 1/4 of the NE 1/4 of Section 8 and in the SW 1/4 and SW 1/4 of the NW 1/4 of Section 9. No more than 98% of water withdrawn annually shall be consumed.
						13.4	13.4	4.5	Western A - 34.95 ac - as that portion of the western tract within Section 8. No more than 98% of water withdrawn annually shall be consumed.
						0.9	0.9	0.3	Western B - 2.4 ac - as that portion of the western tract within Section 17. 4% Relinquish to Alluvial required for all water withdrawn.
		Laramie Fox Hills	LFH-1	NT	46406-F 88087-F 88088-F	463	453	151.0	1586 acres of Latigo Trails. Up to 10 ac-ft per year can be diverted as replacement supply
		Dawson	570-BD	NT/NNT		353.8	353.8	117.9	805.97 acres consisting of three non-contiguous areas generally described as:
			DA-3	NT	74409-F	130.0	130	43.3	Southern Tract A - 297.03 ac Eastern Portion
			DA-2	NT	74410-F				Southern Tract B - 293.33 ac Western Portion Requires replacement per Approved Replacement Plan dated 10/29/2008
						129.0	129	43.0	
						78.4	78.4	26.1	Northern - 178.26 ac tract located in the SE 1/4 of the SW 1/4 and in the SE 1/4 of Section 8 and in the SW 1/4 of Section 9 Requires replacement per Approved Replacement Plan dated 10/29/2008

Owner(s)	Well Location	Aquifer	Case/DWR	NT or NNT	Permit No.	100-yr Total Amount	100-yr MSMD Share	300-yr Annual Amount	Source Location
			Well Name			(ac-ft)	(ac-ft)	(ac-ft)	
						16.4	16.4	5.5	Western - 37.35 ac tract primarily located in a part of the S 1/2 of the SW 1/4 of Section 8 and partially located in the N 1/2 of the N 1/2 of the NW 1/4 of Section 17 Requires replacement per Approved Replacement Plan dated 10/29/2008
GTL Dev & WHMD	Guthrie	Alluvium	GUTHRIE-1		612-RFP	246	170	170	1095' SOUTH OF THE NORTH LINE AND 85' EAST OF THE WEST LINE IN THE NW 1/4 OF THE NW 1/4 OF SEC 30, T12S, R62W. 69.1%/30.9% Split GTL/WHMD
			GUTHRIE-2		27554-FP-R	43	30	30	414' NORTH OF THE SOUTH LINE AND 78' EAST OF THE WEST LINE IN THE SW 1/4 OF THE SW 1/4 OF SEC 19, T12S, R62W. 69.1%/30.9% Split GTL/WHMD
		LFH	228-BD 4436-BD	NT		579	289.5	96.5	50/50 Split with WHMD No more than 98% of water withdrawn annually shall be consumed.
			LFH-1		61234-F				
			LFH-2		61235-F				
		Arapahoe	229-BD 4437-BD	NT		483.2	241.6	80.5	50/50 Split with WHMD No more than 98% of water withdrawn annually shall be consumed.
			A-1		61236-F				
			A-2		61237-F				
MSMD & WHMD	Hart	LFH	2099-BD	NT		125.0	62.5	20.8	E 1/2 Section 18, T12S, R62W. 50/50 split with WHMD
		Arapahoe	2100-BD	NT		103.0	51.5	17.2	Same as 2099-BD above.
					TOTAL	6610	5866	2089	
								67	Average Annual Replacement Obligations
								2022	Net water available after raplacement obligations

MERIDIAN RANCH
ONSITE WATER RIGHTS

154-BD

Laramie Fox Hills

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 154-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed place of use of ground water under Determination of Water Right No. 154-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated March 26, 2001, the Colorado Ground Water Commission approved Determination of Water Right No. 154-BD for Latigo Investments, LP. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying 2650 acres generally described as all of Sections 19, 20 and 30, and part of Sections 21, 28 and 29; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Orders dated March 26, 2001.
2. In accordance with the above Order dated March 26, 2001:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 755 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 2650-acre overlying land area.
 - c. The allowed intended beneficial uses for this allocation of ground water are as follows: central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies.
3. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination shall be considered a final determination of the amount of ground water so determined; subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. Pursuant to Section 37-90-107(7), C.R.S. in a Commission Findings and Order dated June 28, 2006, the Commission approved a Change of Water Right to Meridian Service Metropolitan District to Change the Allowed Beneficial Uses and Place of Use of Ground Water for Determination of Water Right No. 154-BD.

5. In accordance with the above Order dated June 28, 2006:
 - a. The change of place of use for this allocation of ground water was approved to combine the above-described 2650-acre overlying land area and an additional 977.19-acre area consisting of three noncontiguous areas generally described as a 722.61-acre tract in part of Sections 16 and 17; a 217.23-acre tract in part of Sections 8 and 9; and a 37.35-acre tract in part of Sections 8 and 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is in the June 28, 2006 Findings and Order.
 - b. The change of allowed beneficial uses for this allocation of ground water were approved to include municipal use.
6. By an application for change of determination of water right received complete by the Commission on January 14, 2014, the applicant has requested to change the allowed place of use of the subject determination of water right to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 977.19-acres described in the Findings and Orders dated June 28, 2006, and additionally in Woodmen Hills and Paint Brush Hills Metropolitan Districts.
7. Woodmen Hills Metropolitan District signed an agreement dated December 3, 2013 allowing Water Right No. 154-BD, currently owned by the Meridian Service Metropolitan District, to be used in the Woodmen Hills service area. Paint Brush Hills Metropolitan District signed an agreement dated December 31, 2013 allowing Water Right No. 154-BD to be used in the Paint Brush Hills service area.
8. The application does not request a change in the allowed amounts of withdrawal.
9. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
10. The above-described 2650-acre and 977.19-acre overlying land areas and additional Woodmen Hills and Paint Brush Hills Metropolitan Districts place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
11. On May 7, 2014, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
12. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on April 24 and May 1, 2014.


13. On May 30, 2014 an objection to the application was received from the Colorado State Board of Land Commissioners. The assigned Case No. is 14-GW-04.
14. On September 16, 2014, the Colorado State Board of Land Commissioners withdrew their objection in Case No. 14-GW-04 and therefore, the application was remanded to Staff for the Colorado Ground Water Commission, and the case was closed.
15. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the following conditions in the following Order:

ORDER

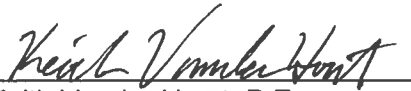
Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed place of use of ground water for Determination of Water Right No. 154-BD is approved, subject to the following conditions:

16. The allowed place of use of ground water shall be limited to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 977.19-acres described in the Findings and Orders dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan Districts.
17. The Commission's Findings and Order dated March 26, 2001 for Determination of Water Right No. 154-BD and Amended Findings and Order dated June 28, 2006, are hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order and Amendment for Determination of Water Right No. 154-BD shall remain in full force and effect.
18. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the counties in which the overlying land is located so that a title examination of the above described 2650 acres of overlying land, or any part thereof, shall reveal the existence of this determination.
19. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change.

Dated this 23rd day of October, 2014.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.
Designated Basins Team Leader

Prepared by: JPM
F&O154-BD.doc

155-BD

Arapahoe

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



June 28, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Meridian Service Metropolitan District
C/o Doug Woods, GTL, Inc.
P.O. Box 80036
San Diego, CA 92138

RE: Determination of Water Right

Dear Mr. Woods:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for a Change of Determination of Water Right No. 155-BD, to change the allowed beneficial uses and place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determination of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determination in the public records of the county – in which the overlying land is located – so that a title examination of the overlying land claimed in the application, or any part thereof, shall reveal these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

REC'D JUL 05 2006

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE
ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR
DETERMINATION OF WATER RIGHT NO. 155-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 155-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated March 26, 2001, the Commission approved a Determination of Water Right for Latigo Investments, LP, assigned Determination No. 155-BD. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer"), underlying 2650 acres, generally described as all of Section 19, all of Section 20, that part of the W1/2 of Section 21 lying west of Eastonville Road, that part of the NW1/4 of Section 28 lying west of Eastonville Road, that part of Section 29 lying west of Eastonville Road, and all of Section 30, all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.
2.
 - a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 942 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 2650-acre overlying land area.
 - c. The allowed intended beneficial uses for this allocation are: central water system for domestic, irrigation, livestock watering, commercial purposes, and replacement supplies.
3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on August 8, 2005, the applicant has requested to change the allowed beneficial uses of the subject determination of water right to the following: municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supplies; and change the place of use to the following: the above-described 2650-acre overlying land area and an additional 977.19-acre area consisting of three noncontiguous areas generally described as a 722.61-acre southern tract located in that part of Section 16 west of Eastonville Road, and in the E1/2, the SW1/4, and the SE1/4 of the NW1/4, of Section 17; a 217.23-acre northern tract located in the SE1/4 of the SW1/4, in the SE1/4, and in the SE1/4 of the NE1/4, of Section 8, and in the SW1/4 and SW1/4 of the NW1/4 of Section 9; and a 37.35-acre western tract primarily located in a part of the S1/2 of the SW1/4 of Section 8 and partially located in the N1/2 of the N1/2 of the NW1/4 of Section 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County.

b. The applicant has provided evidence that an agreement exists between the landowner of the 977.19-acre additional place of use area and the applicant to provide water from this allocation for the allowed intended beneficial uses on the subject property.
5. The above-described 2650-acre overlying land area and 977.19-acre additional place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
6. On September 19, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 22 and 29, 2005.
8. a. On October 13, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-22. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. On March 31, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

c. On March 31, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

d. By Order of the Commission Hearing Officer dated April 3, 2006, Case No. 05-GW-22 was dismissed.

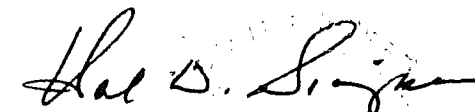
9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER


Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 155-BD is approved, subject to the following conditions:

10. The use of ground water shall be limited to the following uses: municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supplies.
11. The place of use of ground water shall be limited to the following: the above-described 2650-acre overlying land area and an additional 977.19-acre area consisting of three noncontiguous areas generally described as a 722.61-acre southern tract located in that part of Section 16 west of Eastonville Road, and in the E1/2, the SW1/4, and the SE1/4 of the NW1/4, of Section 17; a 217.23-acre northern tract located in the SE1/4 of the SW1/4, in the SE1/4, and in the SE1/4 of the NE1/4, of Section 8, and in the SW1/4 and SW1/4 of the NW1/4 of Section 9; and a 37.35-acre western tract primarily located in a part of the S1/2 of the SW1/4 of Section 8 and partially located in the N1/2 of the NW1/4 of Section 17; all in Township 12 South, Range 64 West of the 6th P.M.
12. The Commission's Findings and Order of March 26, 2001, for Determination of Water Right No. 155-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 155-BD shall remain in full force and effect.

Dated this 28th day of June, 2006.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 
Keith Vander Horst, P.E.
Designated Basins Chief

156-BD

Denver

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 156-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: DENVER

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed place of use of ground water under Determination of Water Right No. 156-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated March 26, 2001, the Colorado Ground Water Commission approved Determination of Water Right No. 156-BD for Latigo Investments, LP. This determination of water right allows the withdrawal of ground water from the Denver Aquifer (hereinafter "aquifer"), underlying 2650 acres generally described as all of Sections 19, 20 and 30, and part of Sections 21, 28 and 29; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Orders dated March 26, 2001.
2. In accordance with the above Order dated March 26, 2001:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 1,171 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 2650-acre overlying land area.
 - c. The allowed intended beneficial uses for this allocation of ground water are as follows: central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies.
3. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination shall be considered a final determination of the amount of ground water so determined; subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. Pursuant to Section 37-90-107(7), C.R.S. in a Commission Findings and Order dated June 28, 2006, the Commission approved a Change of Water Right to Meridian Service Metropolitan District to Change the Allowed Beneficial Uses and Place of Use of Ground Water for Determination of Water Right No. 156-BD.

5. In accordance with the above Order dated June 28, 2006:
 - a. The change of place of use for this allocation of ground water was approved to combine the above-described 2650-acre overlying land area and an additional 977.19-acre area consisting of three noncontiguous areas generally described as a 722.61-acre tract in part of Sections 16 and 17; a 217.23-acre tract in part of Sections 8 and 9; and a 37.35-acre tract in part of Sections 8 and 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is in the June 28, 2006 Findings and Order.
 - b. The change of allowed beneficial uses for this allocation of ground water were approved to include municipal use.
6. By an application for change of determination of water right received complete by the Commission on January 14, 2014, the applicant has requested to change the allowed place of use of the subject determination of water right to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 977.19-acres described in the Findings and Orders dated June 28, 2006, and additionally in Woodmen Hills and Paint Brush Hills Metropolitan Districts.
7. Woodmen Hills Metropolitan District signed an agreement dated December 3, 2013 allowing Water Right No. 156-BD, currently owned by the Meridian Service Metropolitan District, to be used in the Woodmen Hills service area. Paint Brush Hills Metropolitan District signed an agreement dated December 31, 2013 allowing Water Right No. 156-BD to be used in the Paint Brush Hills service area.
8. The application does not request a change in the allowed amounts of withdrawal.
9. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
10. The above-described 2650-acre and 977.19-acre overlying land areas and additional Woodmen Hills and Paint Brush Hills Metropolitan Districts place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
11. On May 7, 2014, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
12. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on April 24 and May 1, 2014.

13. On May 30, 2014 an objection to the application was received from the Colorado State Board of Land Commissioners. The assigned Case No. is 14-GW-04.
14. On September 16, 2014, the Colorado State Board of Land Commissioners withdrew their objection in Case No. 14-GW-04 and therefore, the application was remanded to Staff for the Colorado Ground Water Commission, and the case was closed.
15. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the following conditions in the following Order:

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed place of use of ground water for Determination of Water Right No. 156-BD is approved, subject to the following conditions:

16. The allowed place of use of ground water shall be limited to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 977.19-acres described in the Findings and Orders dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan Districts.
17. The Commission's Findings and Order dated March 26, 2001 for Determination of Water Right No. 156-BD and Amended Findings and Order dated June 28, 2006, are hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order and Amendment for Determination of Water Right No. 156-BD shall remain in full force and effect.
18. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the counties in which the overlying land is located so that a title examination of the above described 2650 acres of overlying land, or any part thereof, shall reveal the existence of this determination.
19. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change.

Dated this 23rd day of October, 2014.

Dick Wolfe

Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst

Keith Vander Horst, P.E.
Designated Basins Team Leader

Prepared by: JPM
F&O156-BD.doc

157-BD

Dawson

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 157-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: DAWSON

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed place of use of ground water under Determination of Water Right No. 157-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated March 26, 2001, the Colorado Ground Water Commission approved Determination of Water Right No. 157-BD for Latigo Investments, LP. This determination of water right allows the withdrawal of ground water from the Dawson Aquifer (hereinafter "aquifer"), underlying 2650 acres generally described as all of Sections 19, 20 and 30, and part of Sections 21, 28 and 29; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Orders dated March 26, 2001.
2. In accordance with the above Order dated March 26, 2001:
 - a. The replacement water requirement for withdrawal of ground water from the aquifer, underlying the above-described 2650 acres of overlying land consists of two different requirements, which effectively divides this area into two areas: Area A consisting of 2466 acres within Sections 19, 20, 29 and 3, and Area B consisting of 184 acres within Section 21; all in Township 12 South, Range 64 West of the 6th Principal Meridian. These two areas are more completely described in Exhibit B of the above described Findings and Orders dated March 26, 2001.
 - b. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following: Area A = 820 acre-feet and Area B = 31.9 acre-feet.
 - c. The place of use for this allocation of ground water is the above-described 2650-acre overlying land area.
 - d. The allowed intended beneficial uses for this allocation of ground water are as follows: central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies.

3. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination shall be considered a final determination of the amount of ground water so determined; subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. Pursuant to Section 37-90-107(7), C.R.S. in a Commission Findings and Order dated June 28, 2006, the Commission approved a Change of Water Right to Meridian Service Metropolitan District to Change the Allowed Beneficial Uses and Place of Use of Ground Water for Determination of Water Right No. 157-BD.
5. In accordance with the above Order dated June 28, 2006:
 - a. The change of place of use for this allocation of ground water was approved to combine the above-described 2650-acre overlying land area and an additional 804.94-acre area consisting of three noncontiguous areas generally described as a 589.33-acre tract in part of Sections 16 and 17; a 178.26-acre tract in part of Sections 8 and 9; and a 37.35-acre tract in part of Sections 8 and 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is in the June 28, 2006 Findings and Order.
 - b. The change of allowed beneficial uses for this allocation of ground water were approved to include municipal use.
6. By an application for change of determination of water right received complete by the Commission on January 14, 2014, the applicant has requested to change the allowed place of use of the subject determination of water right to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 804.94-acres described in the Findings and Orders dated June 28, 2006, and additionally in Woodmen Hills and Paint Brush Hills Metropolitan Districts.
7. Woodmen Hills Metropolitan District signed an agreement dated December 3, 2013 allowing Water Right No. 157-BD, currently owned by the Meridian Service Metropolitan District, to be used in the Woodmen Hills service area. Paint Brush Hills Metropolitan District signed an agreement dated December 31, 2013 allowing Water Right No. 157-BD to be used in the Paint Brush Hills service area.
8. The application does not request a change in the allowed amounts of withdrawal.
9. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
10. The above-described 2650-acre and 804.94-acre overlying land areas and additional Woodmen Hills and Paint Brush Hills Metropolitan Districts place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

11. On May 7, 2014, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
12. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on April 24 and May 1, 2014.
13. On May 30, 2014 an objection to the application was received from the Colorado State Board of Land Commissioners. The assigned Case No. is 14-GW-04.
14. On September 16, 2014, the Colorado State Board of Land Commissioners withdrew their objection in Case No. 14-GW-04 and therefore, the application was remanded to Staff for the Colorado Ground Water Commission, and the case was closed.
15. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the following conditions in the following Order:

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed place of use of ground water for Determination of Water Right No. 157-BD is approved, subject to the following conditions:

16. The allowed place of use of ground water shall be limited to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 804.94-acres described in the Amended Findings and Orders dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan Districts.
17. The Commission's Findings and Order dated March 26, 2001 for Determination of Water Right No. 157-BD and Amended Findings and Order dated June 28, 2006, are hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order and Amendment for Determination of Water Right No. 157-BD shall remain in full force and effect.
18. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the counties in which the overlying land is located so that a title examination of the above described 2650 acres of overlying land, or any part thereof, shall reveal the existence of this determination.

19. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change.

Dated this 23rd day of October, 2014.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.
Designated Basins Team Leader

Prepared by: JPM
F&O157-BD.doc

LATIGO TRAILS WATER RIGHTS

568-BD

Arapahoe

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 568-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: ARAPAHOE

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed place of use of ground water under Determination of Water Right No. 568-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated August 2, 2004, the Colorado Ground Water Commission approved Determination of Water Right No. 568-BD for RMBG, LLC #1. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer"), underlying a 977.19-acre area consisting of three noncontiguous areas generally described as Southern Tract - a 722.61-acre tract in part of Sections 16 and 17; Northern Tract - a 217.23-acre tract in part of Sections 8 and 9; and Western Tract - a 37.35-acre tract in part of Sections 8 and 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit B of the above described Findings and Orders dated August 2, 2004.
2. In accordance with the above Order dated August 2, 2004:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following:
Southern Tract = 92.1 acre-feet; Northern Tract = 27.7 acre-feet;
Western Tract = 4.8 acre-feet
 - b. The place of use for this allocation of ground water is the above-described 977.19-acre overlying land area.
 - c. The allowed intended beneficial uses for this allocation of ground water are as follows:
industrial, commercial, irrigation, domestic, livestock and replacement water.
3. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination shall be considered a final determination of the amount of ground water so determined; subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. Pursuant to Section 37-90-107(7), C.R.S. in a Commission Findings and Order dated June 28, 2006, the Commission approved a Change of Water Right to Meridian Service Metropolitan District to Change the Allowed Beneficial Uses and Place of Use of Ground Water for Determination of Water Right No. 568-BD.
5. In accordance with the above Order dated June 28, 2006:
 - a. The change of place of use for this allocation of ground water was approved to combine the above-described 977.19-acre overlying land area and an additional 2650 acres generally described as all of Sections 19, 20 and 30, and part of Sections 21, 28 and 29; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is in the June 28, 2006 Findings and Order.
 - b. The change of allowed beneficial uses for this allocation of ground water were approved to include municipal use.
6. By an application for change of determination of water right received complete by the Commission on January 14, 2014, the applicant has requested to change the allowed place of use of the subject determination of water right to the following: the above described 977.19-acres of overlying land area described in the Findings and Orders dated August 2, 2004 and the 2650-acres described in the Findings and Orders dated June 28, 2006, and additionally in Woodmen Hills and Paint Brush Hills Metropolitan Districts.
7. Woodmen Hills Metropolitan District signed an agreement dated December 3, 2013 allowing Water Right No. 568-BD, currently owned by the Meridian Service Metropolitan District, to be used in the Woodmen Hills service area. Paint Brush Hills Metropolitan District signed an agreement dated December 31, 2013 allowing Water Right No. 568-BD to be used in the Paint Brush Hills service area.
8. The application does not request a change in the allowed amounts of withdrawal.
9. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
10. The above-described 977.19-acre and 2650-acre overlying land areas and additional Woodmen Hills and Paint Brush Hills Metropolitan Districts place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
11. On May 7, 2014, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
12. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on April 24 and May 1, 2014.

13. On May 30, 2014 an objection to the application was received from the Colorado State Board of Land Commissioners. The assigned Case No. is 14-GW-04.
14. On September 16, 2014, the Colorado State Board of Land Commissioners withdrew their objection in Case No. 14-GW-04 and therefore, the application was remanded to Staff for the Colorado Ground Water Commission, and the case was closed.
15. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the following conditions in the following Order:

ORDER

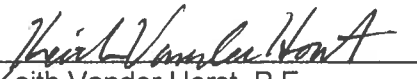
Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed place of use of ground water for Determination of Water Right No. 568-BD is approved, subject to the following conditions:

16. The allowed place of use of ground water shall be limited to the following: the above described 977.19-acres of overlying land area described in the Findings and Orders dated August 2, 2004 and the 2650-acres described in the Amendment dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan Districts.
17. The Commission's Findings and Order dated August 2, 2004 for Determination of Water Right No. 568-BD and Amended Findings and Order dated June 28, 2006, are hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order and Amendment for Determination of Water Right No. 568-BD shall remain in full force and effect.
18. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the counties in which the overlying land is located so that a title examination of the above described 977.19 acres of overlying land, or any part thereof, shall reveal the existence of this determination.
19. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change.

Dated this 23rd day of October, 2014.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 
Keith Vander Horst, P.E.
Designated Basins Team Leader

Prepared by: JPM
F&O568-BD.doc

569-BD

Denver

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 569-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: DENVER

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed place of use of ground water under Determination of Water Right No. 569-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated August 2, 2004, the Colorado Ground Water Commission approved Determination of Water Right No. 569-BD for RMBG, LLC #1. This determination of water right allows the withdrawal of ground water from the Denver Aquifer (hereinafter "aquifer"), underlying a 977.19-acre area consisting of three noncontiguous areas generally described as Southern Tract - a 722.61-acre tract in part of Sections 16 and 17; Northern Tract - a 217.23-acre tract in part of Sections 8 and 9; and Western Tract - a 37.35-acre tract in part of Sections 8 and 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit B of the above described Findings and Orders dated August 2, 2004.
2. In accordance with the above Order dated August 2, 2004:
 - a. The replacement water requirement for withdrawal of ground water from the aquifer, underlying the above-described Western Tract, consists of two different requirements, which effectively divides this area into two areas as follows: Western Tract/Area A consisting of 34.95 acres within Section 8, and Western Tract/Area B consisting of 2.4 acres within Section 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian. These two areas are more completely described in Exhibit C of the above described Findings and Orders dated August 2, 2004.
 - b. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following:

Southern Tract = 276 acre-feet; Northern Tract = 79.3 acre-feet;
Western Tract/Area A = 13.4 acre-feet; Western Tract/Area B = 0.9-acre-feet
 - c. The place of use for this allocation of ground water is the above-described 977.19-acre overlying land area.

- d. The allowed intended beneficial uses for this allocation of ground water are as follows:
industrial, commercial, irrigation, domestic, livestock and replacement water.
3. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination shall be considered a final determination of the amount of ground water so determined; subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. Pursuant to Section 37-90-107(7), C.R.S. in a Commission Findings and Order dated June 28, 2006, the Commission approved a Change of Water Right to Meridian Service Metropolitan District to Change the Allowed Beneficial Uses and Place of Use of Ground Water for Determination of Water Right No. 569-BD.
5. In accordance with the above Order dated June 28, 2006:
 - a. The change of place of use for this allocation of ground water was approved to combine the above-described 977.19-acre overlying land area and an additional 2650 acres generally described as all of Sections 19, 20 and 30, and part of Sections 21, 28 and 29; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is the subject of and more completely described in the June 28, 2006 Findings and Order.
 - b. The change of allowed beneficial uses for this allocation of ground water were approved to include municipal use.
6. By an application for change of determination of water right received complete by the Commission on January 14, 2014, the applicant has requested to change the allowed place of use of the subject determination of water right to the following: the above described 977.19-acres of overlying land area described in the Findings and Orders dated August 2, 2004 and the 2650-acres described in the Findings and Orders dated June 28, 2006, and additionally in Woodmen Hills and Paint Brush Hills Metropolitan Districts.
7. Woodmen Hills Metropolitan District signed an agreement dated December 3, 2013 allowing Water Right No. 569-BD, currently owned by the Meridian Service Metropolitan District, to be used in the Woodmen Hills service area. Paint Brush Hills Metropolitan District signed an agreement dated December 31, 2013 allowing Water Right No. 569-BD to be used in the Paint Brush Hills service area
8. The application does not request a change in the allowed amounts of withdrawal.
9. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
10. The above-described 977.19-acre and 2650-acre overlying land areas and additional Woodmen Hills and Paint Brush Hills Metropolitan Districts place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

11. On May 7, 2014, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
12. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on April 24 and May 1, 2014.
13. On May 30, 2014 an objection to the application was received from the Colorado State Board of Land Commissioners. The assigned Case No. is 14-GW-04.
14. On September 16, 2014, the Colorado State Board of Land Commissioners withdrew their objection in Case No. 14-GW-04 and therefore, the application was remanded to Staff for the Colorado Ground Water Commission, and the case was closed.
15. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the following conditions in the following Order:

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed place of use of ground water for Determination of Water Right No. 569-BD is approved, subject to the following conditions:

16. The allowed place of use of ground water shall be limited to the following: the above described 977.19-acres of overlying land area described in the Findings and Order dated August 2, 2004 and the 2650-acres described in the Amended Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan Districts.
17. The Commission's Findings and Order dated August 2, 2004 for Determination of Water Right No. 569-BD and Amended Findings and Order dated June 28, 2006, are hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order and Amendment for Determination of Water Right No. 569-BD shall remain in full force and effect.
18. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the counties in which the overlying land is located so that a title examination of the above described 977.19 acres of overlying land, or any part thereof, shall reveal the existence of this determination.

19. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change.

Dated this 23rd day of October, 2014.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.
Designated Basins Team Leader

Prepared by: JPM
F&O569-BD.doc

570-BD

Dawson

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 570-BD

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: DAWSON

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed place of use of ground water under Determination of Water Right No. 570-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated August 2, 2004, the Colorado Ground Water Commission approved Determination of Water Right No. 570-BD for RMBG, LLC #1. This determination of water right allows the withdrawal of ground water from the Dawson Aquifer (hereinafter "aquifer"), underlying a 804.94-acre area consisting of three noncontiguous areas generally described as Southern Tract - a 589.33-acre tract in part of Sections 16 and 17; Northern Tract - a 178.26-acre tract in part of Sections 8 and 9; and Western Tract - a 37.35-acre tract in part of Sections 8 and 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit B of the above described Findings and Orders dated August 2, 2004.
2. In accordance with the above Order dated August 2, 2004:
 - a. The replacement water requirement for withdrawal of ground water from the aquifer, underlying the above-described Southern Tract, consists of two different requirements, which effectively divides this area into two areas as follows: Southern Tract/Area A consisting of 296 acres within Section 16, and Southern Tract/Area B consisting of 293.33 acres within Section 17; all in Township 12 South, Range 64 West of the 6th Principal Meridian. These two areas are more completely described in Exhibit C of the above described Findings and Orders dated August 2, 2004.
 - b. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following:

Southern Tract /Area A = 130 acre-feet; Southern Tract/Area B = 129 acre-feet;
Northern Tract = 78.4 acre-feet; Western Tract = 16.4 acre-feet.

- c. The place of use for this allocation of ground water is a 977.19-acre overlying land area generally described as: a 722.61-acre land area located in part of Sections 16 and 17; a 217.23-acre land area located in parts of Sections 8 and 9; and a 37.35-acre land area located in part of Sections 8 and 17. All of the above-described 804.94 overlying land area is located within the above-described 977.19 acre place of use area. This area is more completely described in Exhibit A of Determinations of Water Right Nos. 568-BD and 569-BD, dated August 2, 2004.
 - d. The allowed intended beneficial uses for this allocation of ground water are as follows: industrial, commercial, irrigation, livestock watering, and replacement.
3. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination shall be considered a final determination of the amount of ground water so determined; subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. Pursuant to Section 37-90-107(7), C.R.S. in a Commission Findings and Order dated June 28, 2006, the Commission approved a Change of Water Right to Meridian Service Metropolitan District to Change the Allowed Beneficial Uses and Place of Use of Ground Water for Determination of Water Right No. 570-BD.
5. In accordance with the above Order dated June 28, 2006:
 - a. The change of place of use for this allocation of ground water was approved to combine the above-described 804.94-acre overlying land area and an additional 2650 acres generally described as all of Sections 19, 20 and 30, and part of Sections 21, 28 and 29; all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. This area is in the June 28, 2006 Findings and Order.
 - b. The change of allowed beneficial uses for this allocation of ground water were approved to include municipal use.
6. By an application for change of determination of water right received complete by the Commission on January 14, 2014, the applicant has requested to change the allowed place of use of the subject determination of water right to the following: the above described 2650-acres of overlying land area described in the Findings and Orders dated March 26, 2001 and the 804.94-acres described in the Findings and Orders dated June 28, 2006, and additionally in Woodmen Hills and Paint Brush Hills Metropolitan Districts.
7. Woodmen Hills Metropolitan District signed an agreement dated December 3, 2013 allowing Water Right No. 570-BD, currently owned by the Meridian Service Metropolitan District, to be used in the Woodmen Hills service area. Paint Brush Hills Metropolitan District signed an agreement dated December 31, 2013 allowing Water Right No. 570-BD to be used in the Paint Brush Hills service area.
8. The application does not request a change in the allowed amounts of withdrawal.

9. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
10. The above-described 804.94-acre and 2650-acre overlying land areas and additional Woodmen Hills and Paint Brush Hills Metropolitan Districts place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
11. On May 7, 2014, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
12. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on April 24 and May 1, 2014.
13. On May 30, 2014 an objection to the application was received from the Colorado State Board of Land Commissioners. The assigned Case No. is 14-GW-04.
14. On September 16, 2014, the Colorado State Board of Land Commissioners withdrew their objection in Case No. 14-GW-04 and therefore, the application was remanded to Staff for the Colorado Ground Water Commission, and the case was closed.
15. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the following conditions in the following Order:

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed place of use of ground water for Determination of Water Right No. 570-BD is approved, subject to the following conditions:

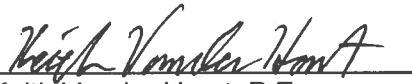
16. The allowed place of use of ground water shall be limited to the following: the above described 804.94-acres of overlying land area described in the Findings and Order dated August 2, 2004 and the 2650-acres described in the Amended Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan Districts.
17. The Commission's Findings and Order dated August 2, 2004 for Determination of Water Right No. 570-BD and Amended Findings and Order dated June 28, 2006, are hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order and Amendment for Determination of Water Right No. 570-BD shall remain in full force and effect.

18. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the counties in which the overlying land is located so that a title examination of the above described 804.94 acres of overlying land, or any part thereof, shall reveal the existence of this determination.
19. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change.

Dated this 23rd day of October, 2014.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 
Keith Vander Horst, P.E.
Designated Basins Team Leader

Prepared by: JPM
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46406-F

Laramie Fox Hills

J. Patrick Kelly El Paso Cty, CO

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5

BARGAIN AND SALE DEED AND ASSIGNMENT

RMBG, LLC #1, d/b/a Latigo Trails, LLC, whose address is 5170 Mark Dabbling Blvd., Colorado Springs, CO 80918, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby sells and conveys to Meridian Service Metropolitan District, whose address is c/o R.S. Wells LLC, 6399 Fiddlers Green Circle, Suite 102, Greenwood Village, CO 80111, its successors and assigns, for its own use and benefit, the following property located in El Paso County, Colorado, to wit:

1. any and all interest and title in or to any and all water, ground water, water rights, ground water rights, rights to or to withdraw any water and ground water, water wells, water well permits, and water well equipment associated with or pursuant to those well permits issued by the Colorado State Engineer bearing permit number 46406-F and 17051-F, which wells and associated water rights are associated with that property described on Exhibit A attached hereto and incorporated by this reference;

2. Tract A, in The Trails Filing No. 2, El Paso County, Colorado, according to the plat thereof recorded in Plat Book D-4 at page 96; and

3. Tract A, in Latigo Country Estates Filing No. 1, El Paso County, Colorado, according to the plat thereof recorded in Plat Book D-3 at page 5,

together with all appurtenances, and assigns to Grantee Colorado State Engineer Well Permit Numbers 46406-F and 17051-F;

except that RMBG, LLC #1 is not hereby conveying that well casing associated with Well 46406-F, which casing is owned by and will be conveyed by a third party.

Signed this 15 day of March, 2002.

RMBG, LLC #1, d/b/a Latigo Trails, LLC

By: W^m L Mills

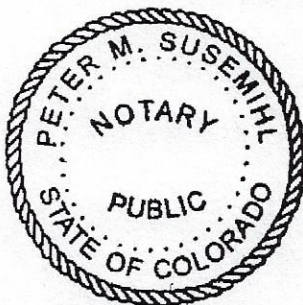
J. Patrick Kelly El Paso Cty, CO
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State of Colorado)
County of El Paso) ss.
)

The foregoing Bargain and Sale Deed and Assignment was acknowledged
before me this 15 day of March 2002 by Mr. L. Miller
as Manager of RMBG, LLC #1, d/b/a Latigo Trails, LLC.

Witness my hand and official seal.

My commission expires: 11/2/05



[Signature]
Notary Public
address:

**COLORADO GROUND WATER COMMISSION
AMENDMENT TO FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WELL WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES, PLACE OF USE, AND ANNUAL APPROPRIATION OF GROUND WATER - FOR WELL PERMIT NO. 46406-F

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

Paragraph numbers 5b. and 13a. of the Colorado Ground Water Commission's (hereinafter "Commission") Findings and Order of August 7, 2006, for a Change of Well Water Right for Well Permit No. 46406-F, are hereby amended as follows.

FINDINGS

5. b. The applicant has also requested to change the allowed beneficial uses to include municipal use of the water on both the 1586-acre overlying land area and the 2650-acre additional place of use area and to include replacement purposes (to allow additional replacement plans to use this source of replacement water).

ORDER

13. a. The allocated average annual amount of ground water to be withdrawn from the aquifer by this well together with any additional wells shall not exceed the following:
- 453 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for municipal purposes and as a water source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system shall only occur within the above-described 1586-acre land area and will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.
 - 10 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for replacement supply.

The above paragraphs are hereby amended to reflect the intent of applications submitted on March 22 and July 14, 2005. All other terms and conditions in the above-referenced Findings and Order shall remain in full force and effect.

Applicant: Meridian Service Metropolitan District
Aquifer: Laramie-Fox Hills
Permit No.: 46406-F

Page 2

Dated this 2nd day of May, 2007.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst

Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

REC'D AUG 21 2006

MERIDIAN SERVICE METROPOLITAN DISTRICT

Telephone No. (619) 223-1663
Fax No. (619) 223-2865

Kenyon Street, Suite #200
San Diego, CA 92110

Mailing Address
P.O. Box 80036
San Diego, CA 92138

August 14, 2006

Mr. George Hess
Vantage Home Corporation
6215 Corporate Dr., 2nd Floor
Colorado Springs, CO 80919

RE: THE TRAILS LARAMIE-FOX HILLS AQUIFER

Dear George:

Enclosed please find a copy of the Findings and Order from the Colorado Ground Water Commission allowing The Trails Laramie-Fox Hills Well water use for the Meridian Service Metropolitan District, ("MSMD"), and the Trails.

As per the Memorandum of Water Service Agreement dated February 14, 2002, MSMD is to reimburse Latigo Trails, LLC in the amount of \$2,500.00 per water tap that has already been paid by same. Please check your records and submit a request for reimbursement for the amount of water service paid for. This bill should be submitted to MSMD, c/o R. S. Wells, 6399 S. Fiddlers' Green Circle, Suite #102, Greenwood Village, CO 80111, Attn: Wayne Monson, telephone (303) 779-4525.

This has been a long time coming and we certainly appreciate your help and cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

MERIDIAN SERVICE
METROPOLITAN DISTRICT



By: Douglas E. Woods
Tech Contractors, Construction Manager

DEW:ph
Encl.
CO SPRINGS\MSMD LATIGO TRAILS

cc: Tim Hunker, MSMD
Wayne Monson, R.S. Wells

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

REC'D AUG 14 2006

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WELL WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES, PLACE OF USE, AND ANNUAL APPROPRIATION OF GROUND WATER - FOR WELL PERMIT NO. 46406-F

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of well water right to change the allowed beneficial uses, place of use, and annual appropriation of ground water for Well Permit No. 46406-F. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. On April 11, 1996, the Commission issued Permit No. 46406-F to The Trails, Ltd., and Paint Brush Hills Metropolitan District to construct a well to be located in the SE1/4 of the SE1/4 of Section 35, Township 13 South, Range 63 West of the 6th Principal Meridian and to appropriate and withdraw ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying a 1586 acre land area, referred to as The Trails Subdivision and generally described as land in the E1/2 of the E1/2 of Section 7, excluding any areas platted into Latigo Country Estates Filings 1, 2 and 3, land in Section 8, excluding any areas platted into Latigo Country Estates Filings 2 and 3 and excluding any areas platted into the replat of lots 42 through 48 inclusive in Latigo Country Estates Filing 2, land in the S1/2 of the NW1/4 and in the SW1/4 of Section 9, excluding any areas platted into the replat of lots 42 through 48 inclusive in Latigo Country Estates Filing 2, land in that part of Section 16 lying west of Eastonville Road and all of the land in Section 17, all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. A completion report for the well, filed on August 22, 1996, claims that the well was constructed timely to withdraw ground water from the Laramie-Fox Hills aquifer.
2. Permit No. 46406-F was issued pursuant to Sections 37-90-107 and 37-90-111(5), CRS, and the Findings of the Commission dated April 4, 1996.
3. In accordance with the above Findings:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 463 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 1586-acre overlying land area, and within the service area of Paint Brush Hills Metropolitan District.

c. The allowed intended beneficial uses for this allocation are: municipal use within the service area of Paintbrush Hills Metropolitan District, replacement water to replace depletions to the alluvial aquifer attributable to pumping of individual residential wells within The Trails Subdivision Filings 2, 3 and 4, and as a water source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system will occur within the above described 1586-acre land area and will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.

4. Pursuant to Section 37-90-108(3)(a)(II), C.R.S., the Commission staff finds that the well is in compliance with statute requirements and permit conditions of approval, and therefore, the subject well permit shall be considered a final determination of the well water right, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
5. By an application for change of well water right received complete by the Commission on March 22, 2005, the applicant has requested the following changes:
 - a. The applicant has requested to change the place of use to 4236 acres generally described as follows:
 - the above-described 1586-acre overlying land area known as The Trails subdivision;
 - and an additional 2650-acre area within the Meridian Service Metropolitan District generally described as all of Section 19, all of Section 20, that part of the W½ of Section 21 lying west of Eastonville Road, that part of the NW¼ of Section 28 lying west of Eastonville Road, that part of Section 29 lying west of Eastonville Road, and all of Section 30, all in Township 12 South, Range 64 West of the 6th P.M.;

This change would remove the 1440-acre Paint Brush Hills Metropolitan District service area as a place of use.

- b. The applicant has also requested to change the allowed beneficial uses to include municipal use of the water on both the 1586-acre overlying land area and the 2650-acre additional place of use area.
6. By a separate application for change of well water right received complete by the Commission on July 14, 2005, the applicant has requested to change the annual amount to be withdrawn to no more than 453 acre-feet per year for municipal and commercial purposes and no more than 10 acre-feet per year for replacement supply.
7. Records available in this office show that the ground water appropriation from the well with Permit No. 46406-F is not required by Paint Brush Hills Metropolitan District to fulfill any existing water supply obligations.

8. The above-described 1586-acre overlying land area and 2650-acre additional place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
9. On November 28, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
10. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on December 8 & 15, 2005.
11.
 - a. On January 10, 2006, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 06-GW-04. No other objection to the proposed determination of water right was received within the time limit set by statute.
 - b. On May 15, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.
 - c. On May 15, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.
 - d. By Order of the Commission Hearing Officer dated May 16, 2006, Case No. 06-GW-04 was dismissed.
12. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of well water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of well water right to change the allowed beneficial uses, place of use, and annual appropriation of ground water for Well Permit No. 46406- F is approved, subject to the following conditions:

13. The use of ground water shall be limited as follows:
 - a. The allocated average annual amount of ground water to be withdrawn from the aquifer by this well together with any additional wells shall not exceed the following:

Applicant: Meridian Service Metropolitan District
Aquifer: Laramie-Fox Hills
Permit No.: 46406-F

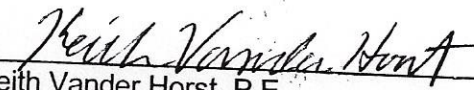
Page 4

- 453 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for municipal purposes and as a water source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system shall only occur within the above-described 1586-acre land area and will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.
 - 10 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for replacement of depletions to the alluvial aquifer attributable to pumping of individual residential wells within the Trails Subdivision Filings 2, 3, and 4.
- b. The place of use of ground water shall be limited to the above-described 1586-acre overlying land area known as The Trails subdivision and the above-described 2650-acre additional place of use area within the Meridian Service Metropolitan District.
14. The Commission's Findings of April 4, 1996, and conditions of approval for the well permit issued April 11, 1996, for Permit No. 46406-F, are hereby amended to incorporate the above changes. All other terms and conditions in the original Findings and permit for Permit No. 46406-F shall remain in full force and effect.

Dated this 7th day of August, 2006.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

BEFORE THE COLORADO GROUND WATER COMMISSION

Case No. 88-GW-03

AMENDED APPLICATION OF
JERRY SMITH FOR APPROVAL
OF WATER SUPPLY FOR THE
TRAILS DEVELOPMENT

THE TRAILS FILINGS NO. 2
(57 LOTS), No. 3 and
No. 4 (14 LOTS)

RECEIVED

MAY 16 1989

STIPULATION

COMES NOW The Trails, Ltd., a Colorado limited partnership, hereinafter referred to as "Trails," the Upper Black Squirrel Creek Management District, hereinafter referred to as the "District," Paint Brush Hills Metropolitan District, hereinafter referred to as "Paint Brush," and the Colorado Ground Water Commission, hereinafter referred to as the "Commission," and stipulate and agree as follows, to wit:

1. The Trails, Ltd., is the owner of the Trails Subdivision and all the ground water underlying the subdivision, and as such is hereby substituted as Applicant for Jerry Smith.

2. An amended application was filed seeking approval of a water supply for The Trails Filing No. 2, consisting of 106 lots and 14 lots in Filings No. 3 and 4. Trails stipulates that it shall not develop, based on this replacement plan, more than 57 lots in Filing No. 2 and 14 lots in Filings No. 3 and 4, for a total of 71 lots. All of the said lots are more particularly described as follows:

a. The Trails Filing No. 2, El Paso County, Colorado, comprised of 57 lots being Lots 1-7, 34, 35, 44-68, and 84-106.

b. The Trails Filing No. 3, El Paso County, Colorado comprised of Lots 1-10.

c. The Trails Filing No. 4, El Paso County, Colorado comprised of Lots 1-4.

3. The plat for the 57 lots in Filing No. 2 was approved by El Paso County. The plat seeking approval for the 14 lots in Filings No. 3 and 4 was submitted to the County. Each lot consists of a two and one-half acre tract located near the headwaters of Black Squirrel Creek in El Paso County, State of Colorado.

4. After a preliminary evaluation, a determination that the replacement plan could be given favorable consideration

under existing policies was made on April 29, 1988 by the staff of the Commission. The replacement plan was published in a newspaper having county-wide circulation in El Paso County. The Commission has jurisdiction over the application and Applicant, the Objector, and other persons and water users who have notice of the application, whether appearing or not. The District is the only objector, and the time has expired for others to object.

5. Paint Brush, by separate agreement, has agreed to monitor, administer and regulate this replacement plan. A copy of that agreement is attached hereto as Exhibit A and incorporated herein as part of this Stipulation.

6. The parties agree that the following limitations and restrictions apply to the water supply for the 71 lots covered by this replacement plan:

a. Each lot may construct a domestic well completed in the Dawson aquifer with a maximum pumping capacity of 15 gallons per minute.

b. Total diversions from each well shall not exceed 0.5 acre-foot per year.

c. Each lot shall be limited to the irrigation of no more than 3,000 square feet.

d. Each lot owner will be entitled to maintain on his or her lot up to four horses.

e. Each well shall be equipped with a totalizing flow meter and shall be maintained in good operating condition by each individual lot owner.

f. The plats and approved covenants require that lot owners construct duly approved nonevaporative septic tank and leachfield domestic effluent systems.

g. Return flows from the use of water by the lot owners have been determined by the Commission staff to return to the uppermost formation.

7. Trails shall convey the following water, water rights and facilities to Paint Brush as consideration for administration and management of this replacement plan, to wit:

a. The well with Permit No. 17051-F permitted for 22.5 acre-feet which is completed in both the Dawson and Denver aquifers.

b. Dawson Well No. 17665-F permitted for 144 acre-feet per year.

c. The wells with Permit Nos. 17051-F and 17665-F shall be equipped with totalizing flow meters, which wells and meters shall be properly maintained and operated in compliance with the terms of the permits.

d. Not nontributary and nontributary ground water underlying Section 16, west of Eastonville Road which comprises approximately 284 acres which ground water is not a part of the replacement water under this plan and which is described as follows:

- | | |
|---|------------------------------|
| 1) Denver aquifer
(not nontributary): | 126 acre-feet per year |
| 2) Arapahoe aquifer
(nontributary): | 89 acre-feet per year |
| 3) Laramie-Fox Hills aquifer
(nontributary): | <u>81</u> acre-feet per year |
| | 296 acre-feet |

8. Paint Brush stipulates and agrees that adequate consideration has been conveyed and assumes the responsibilities of monitoring, administering, reporting and managing water development and use of water for the 71 lots covered by this plan. In particular, Paint Brush agrees to the following regulatory plan of replacement:

a. Periodically (and no less than annually) inspect and read the individual domestic well meters and the Denver and Dawson well meters.

b. Maintain adequate records of pumping from all wells described in this Stipulation, maintain an accurate count of the number of wells drilled pursuant to this Stipulation and conduct periodic inspection of the residential lots to assure compliance with the requirements of paragraph 6(c) and (d) hereof.

c. Provide to the District and the Commission annually by February 15th of each year an annual report for the previous calendar year giving the following information:

1. For each individual on-lot well, the name and address of said lot owner, the lot and Trails subdivision filing number, the amount of water pumped from said well, and a report on compliance with subparagraphs 6(a)-(f) herein.

2. The amount of replacement water discharged from the well with Permit No. 17051-F into Black Squirrel Creek.

3. The total withdrawal of the wells with Permit Nos. 17051-F and 17665-F.

d. Well No. 17051-F under current interpretation of the Commission is dual completed. The well intercepts the Dawson aquifer (37%) and the Denver aquifer (63%). Trails and Paint Brush shall be permitted to use this well as a nontributary source for up to 14.2 acre-feet per year. Paint Brush may use the remaining permitted quantity of 8.3 acre-feet for other permitted purposes not associated with this replacement plan. When 36 wells are constructed and water applied to beneficial use, Trails shall notify in writing, Paint Brush, the District and the Commission. Paint Brush shall have the burden of proof to prove there is no material injury to water rights or unreasonable impairment of water quality in the Upper Black Squirrel Creek Management District by the operation of the replacement plan.

e. Operate Well No. 17051-F pursuant to the terms and conditions of paragraph 8 such that commencing as soon as practicable after March 1 of each and every year, this well will pump and discharge to Black Squirrel Creek at a point legally described as 800 feet west of the east section line and 400 feet north of the south section line of Section 7, Township 12 South, Range 64 West of the 6th P.M., a specified quantity of water based upon the following formula:

1) The formula for the 57 lots in the Trails Filing No. 2 is as follows:

- ° number of wells constructed on December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.20 = replacement water supply; and

2) The formula for the 14 lots in the Trails Filings No. 3 and 4 is as follows:

- ° number of wells constructed on December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.28 = replacement water supply.

f. Paint Brush shall pump and discharge water from this well at a rate not to exceed 14.5 gallons per minute. By releasing water at an optimal rate, the parties agree

and stipulate that losses of water to non-beneficial uses will be minimized. All discharge to Black Squirrel Creek from the well with Permit No. 17051-F, shall be metered separately from the total production of that well.

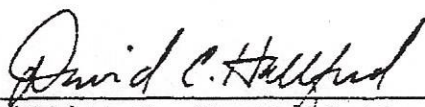
g. Paint Brush shall report in writing to the District and the Commission, beginning on November 1, 1990 and each year thereafter, the amount of water discharged into Black Squirrel Creek since March 1st of that calendar year.

9. The parties agree and stipulate that in the event this replacement water is not discharged into Black Squirrel Creek during any particular year the domestic wells will be allowed to continue pumping for that year but shall not pump any following year unless the replacement waters are discharged to Black Squirrel Creek, including any deficit for prior year shortages. There shall be no curtailment of pumping of domestic wells without providing notice to Paint Brush and providing Paint Brush a reasonable period of time to correct the deficiency. Any new replacement water source must be approved by all parties.

10. The Commission retains jurisdiction over the replacement plan described in this Stipulation and may, upon its own motion or upon written request of the District, revoke or modify its approval of this Stipulation in the event monitoring or operating experience demonstrates further impairment or material injury to water rights or unreasonable impairment of water quality. No such modification or revocation shall occur without notice to Trails and Paint Brush and prior hearing before the Commission.

11. This Stipulation shall be recorded in the office of the El Paso County Clerk and Recorder and shall constitute a covenant running with the real property described in Paragraph 2 herein.

SAUNDERS, SNYDER, ROSS
& DICKSON, P.C.

By 
William B. Tourtellott, Jr., #184
David C. Hallford, #10510
707 17th Street, Suite 3500
Denver, Colorado 80202
(303) 292-6600

ATTORNEYS FOR THE TRAILS, LTD.
and JERRY SMITH

PETROCK & FENDEL

By _____

J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

ATTORNEYS FOR UPPER BLACK SQUIRREL
MANAGEMENT DISTRICT

P. J. ANDERSON

By  _____

P. J. Anderson, #6309
10 East Costilla
Colorado Springs, Colorado 80903
(719) 633-4873

ATTORNEY FOR PAINT BRUSH HILLS
METROPOLITAN DISTRICT

DUANE WOODWARD, ATTORNEY GENERAL

By  _____

David F. Steinhoff, #9980
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 3rd Floor
Denver, Colorado 80203
(303) 866-3611

ATTORNEYS FOR THE COLORADO GROUND
WATER COMMISSION

PETROCK & FENDEL

By 

J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

ATTORNEYS FOR UPPER BLACK SQUIRREL
MANAGEMENT DISTRICT

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By _____

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METROPOLITAN DISTRICT

DUANE WOODWARD, ATTORNEY GENERAL

By _____

David F. Steinhoff, #9980
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 3rd Floor
Denver, Colorado 80203
(303) 866-3611

ATTORNEYS FOR THE COLORADO GROUND
WATER COMMISSION

EXHIBIT A

AGREEMENT

THIS AGREEMENT entered into this 15th day of May, 1989, between The Trails, Ltd., a Colorado limited partnership hereinafter referred to as "Trails," and Paint Brush Hills Metropolitan District, hereinafter referred to as "Paint Brush," to wit:

1. The purpose of this Agreement is to provide an operational agreement to be managed by Paint Brush which provides regulatory services and replacement water to cover the depletions associated with the pumping of water by 71 wells from the Dawson Arkose aquifer. By separate Stipulation, Trails, Paint Brush, Upper Black Squirrel Creek Management District ("District") and the Colorado Ground Water Commission ("Commission") agreed to regulatory terms and conditions. Said Stipulation is by reference incorporated herein and made a part of this Agreement.

2. Trails, as owner of the Trails Subdivision, has platted and received approval from El Paso County to develop 57 lots in Filing No. 2, and he has submitted for approval a plat covering 14 lots north of Black Squirrel Creek known as Filings No. 3 and No. 4, all of which are subject to the Stipulation.

3. Covenants and restrictions have been imposed by Trails against the use of water by the lot owners. Also, the State Engineer of the Division of Water Resources of the State of Colorado, has imposed certain limitations on the use of water as a part of the conditions of approval set forth on each of the Dawson domestic well permits. The covenants and restrictions which are material to the management and regulation of domestic water use are:

a. Irrigation of no more than 3,000 square feet of lawns and gardens and the maintenance of up to four horses;

b. Each Dawson well will be limited as follows:

1) 15 gallons per minute;

2) 0.5 acre-feet (approximately 163,000 gallons) per year;

3) The well should be drilled such that it fully penetrates the Dawson aquifer on Lots 30 through 49 inclusive, and Lots 67 through 72 inclusive;

- 4) A totalizing flow meter must be installed such that the meter is readily accessible and easily monitored by Paint Brush and maintained in good operating condition by the individual lot owner;

c. All sanitary or septic facilities (a/k/a septic tank and leach field system) shall have prior approval of the City-County Health Department of El Paso County and all plans for the same shall be subject to approval by the architectural committee.

d. Reservation of water rights by Trails.

1) Subject to the rights of each owner to drill a water well for domestic purposes as hereinabove set forth, Trails reserves unto itself, its successors and assigns, all water rights appurtenant to the Property except as specifically set forth herein.

2) Trails is the owner of a municipal water well (State Permit #17663-F). In the event that said municipal well shall interfere with the domestic wells of the owners of Lots 30 through 49 inclusive, and Lots 67 through 72, inclusive, and provided that such lot owner has drilled and cased their domestic well to the bottom of the Dawson aquifer and such well is unable to produce 0.5 acre-feet annually, said lot owner shall be entitled to connect, at the sole cost of Trails (or its successor in interest) to said municipal well. This requirement shall then entitle a lot owner to receive up to 0.5 acre-feet annually at no cost to the lot owner and shall act as a lien upon municipal well 17663-F enforceable against the owner of said well. The State Engineer, or in the event that the State Engineer declines, a third party satisfactory to the parties, shall be the final arbiter as to the amount of water produced by those domestic wells within 1,000 feet of municipal well 17663-F. All connections shall be accomplished by the owner of said municipal well within one hundred twenty (120) days of a written notice being served upon said owner.

3) In order to supplement the total quantity of water available to the subdivision, Trails agrees to convey a twenty-five percent (25%) interest in the Denver aquifer underlying each lot to each lot purchaser. Individual lot owners may appropriate this water, but shall be used only for the uses described above in Paragraph 3(a) and (b).

4. Paint Brush agrees to manage the Trails regulatory plan of replacement by performing the following tasks and assignments:

a. Annually on or about December 31, Paint Brush will inventory the number of lots which have houses constructed thereon. Paint Brush will insert the number of wells in the following formula(s):

1) For wells constructed in Filings No. 2, the following formula shall be applied for number of wells covered by the replacement plan:

° Number of wells constructed multiplied by 0.5 acre-foot per year multiplied by 0.20 equals replacement water supply.

2) For wells constructed in Filings No. 3 and 4, the following formula shall be applied:

° Number of wells constructed multiplied by 0.5 acre-foot per year multiplied by 0.28 equals replacement water supply.

b. Annually on or before December 31, Paint Brush will read and record the quantity of water pumped through the existing well meters. If the quantity pumped by any domestic well for that year exceeds 0.5 acre-foot (163,000 gallons), Paint Brush shall notify the violator in writing with a copy to the Commission, the District, and the architectural committee of the Trails. Upon a second violation, Paint Brush shall notify the Commission and the District and request that the violator's well permit be summoned for an administrative hearing, for the violator to show cause why the permit should not be cancelled. Nothing herein shall limit the Commission or the District's power to take any other legal action which may be available to them upon a first or second violation or at any other time.

c. By February 15 of each and every year, Paint Brush shall send to the Commission and the District a copy of the annual report which describes:

1) Number of houses and wells constructed

2) Acre-foot (gallons) pumped by each well as measured at the meter

3) Approximate area of lawn and gardens irrigated by each well. A Dawson domestic well shall not irrigate more than 3,000 square feet per lot.

4) Number of horses per lot. Covenants restrict each lot owner to the maintenance of not more than four horses.

5) Quantity of replacement water discharged to Black Squirrel Creek as based on the application of the formulae described in paragraph 4a.

d. Annually beginning on March 1 Paint Brush shall pump and discharge to Black Squirrel Creek from Well Permit #17051-F at a continuous rate of flow, not to exceed the permitted flow of the replacement well, a sufficient quantity of water to replace the depletions calculated to be due based on the formulae contained in paragraph 4a.

5. Trails agrees as consideration for the services rendered by Paint Brush that it will convey water, facilities, water rights and easements to Paint Brush. Paint Brush represents that it has evaluated the consideration and agrees that the consideration is adequate to compensate Paint Brush for the provision of the regulatory services called for in this Agreement.

6. Trails, upon execution of this Agreement, shall transmit to Paint Brush deeds and easements substantially in the form of the attached exhibits for the following property interests:

a. Well, facilities and water rights appurtenant to Dawson/Denver aquifer Well Permit No. 17051-F, permitted for 22.5 acre-feet per year.

b. Well, facilities and water rights appurtenant to Dawson aquifer Well Permit No. 17665-F, permitted for 144 acre-feet per year.

c. All right, title and interest to the ground water underlying Section 16, T12S, R64W, of the 6th P.M., west of Eastonville Road, comprising approximately 284 acres, namely:

1) Denver aquifer: (not nontributary)	126 acre-feet per year
2) Arapahoe aquifer: (nontributary)	89 acre-feet per year
3) Laramie-Fox Hills aquifer: <u>81</u> acre-feet per year (nontributary)	
	296 acre-feet per year

d. Easements for well sites and ingress and egress to said sites, namely:

1) Well sites (50' x 50')

- ° Denver Well: to be surveyed.
- ° Arapahoe Well: to be surveyed.
- ° Laramie-Fox Hills Well: to be surveyed.

2) Permanent (ingress and egress) easements for the Denver, Arapahoe and Laramie-Fox Hills wells: to be surveyed.

7. Eight (8) acre-feet annually of Denver water out of the Dawson/Denver Well No. 17051-F is dedicated to the replacement plan. Paint Brush agrees to maintain and operate this well in good working order. Paint Brush agrees that if the Dawson/Denver well requires replacement it has received adequate consideration to construct and operate a new replacement well for the 71 lot owners. The remaining water available to the Denver well may be used in any way Paint Brush sees fit under the permit. The wells with Permit Nos. 17051-F and 17665-F shall each be equipped with a properly functioning totalizing flow meter and each shall be operated in compliance with its permit.

8. The parties agree that Trails may substitute some other Denver well as the replacement well for Well No. 17051-F provided the Ground Water Commission approves the substitution. If Trails substitutes a Denver well prior to the time Well No. 17051-F requires replacement, Trails shall construct at its expense the substitute well.

9. Trails makes no warranty that the quality of the Denver aquifer water is potable without treatment.

10. This Agreement may not be assigned without the prior written consent of the other party and the Commission, which consent shall not be unreasonably withheld with the exception that it may be assigned to a metropolitan district established by Trails.

11. It is the intention of the parties hereto that each lot owner shall be considered a third party beneficiary of the Trails.

12. This agreement and the obligations set forth herein shall be subject to specific enforcement by the parties. Ground

Water Commission, District, or any third party beneficiaries, including lot owners. If this agreement is not performed, this agreement may be enforced by injunction.

13. All notices required to be given hereunder shall be deemed given the earlier of the date of personal delivery or two days after deposit in the United States mail, postage prepaid, certified or registered mail, addressed as follows:

If to the District:

c/o P.J. Anderson
Attorney for the District
10 East Costilla
Colorado Springs, Colorado 80903

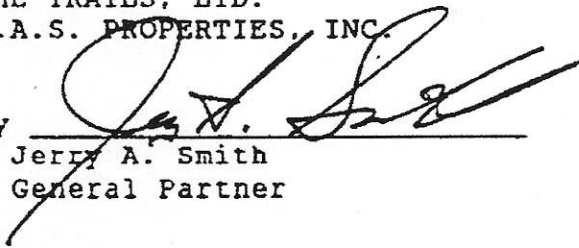
If to Trails:

c/o Jerry A. Smith
3730 Sinton Road, Suite 250
Colorado Springs, Colorado 80907

IN WITNESS WHEREOF, the parties have executed this Agreement this day and year first above written.

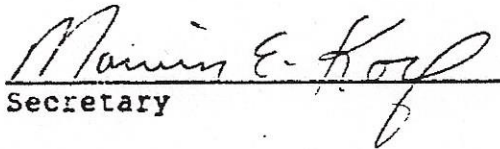
THE TRAILS, LTD.
J.A.S. PROPERTIES, INC.

By


Jerry A. Smith
General Partner

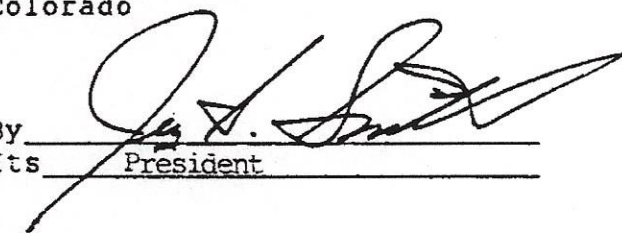
ATTEST:

PAINTBRUSH HILLS METROPOLITAN
DISTRICT, a quasi-municipal
corporation of the State of
Colorado


Secretary

By

Its


President


Director


Director

BEFORE THE COLORADO GROUNDWATER COMMISSION

Case Nos. 94GW06 and 88GW03

AMENDED APPLICATION OF
JERRY SMITH FOR APPROVAL
OF WATER SUPPLY FOR THE
TRAIL DEVELOPMENTS

THE TRAILS FILING NO. 2
(57 LOTS) AND FILINGS
NOS. 3 & 4 (14 LOTS)

**AMENDED STIPULATION AND AGREEMENT
FOR MODIFIED REPLACEMENT PLAN**

COME NOW The Trails, Ltd., a Colorado limited partnership (hereinafter referred to as "Trails"), the Upper Black Squirrel Creek Management District (hereinafter referred to as the "District"), Paint Brush Hills Metropolitan District (hereinafter referred to as "Paint Brush"), and the Colorado Ground Water Commission (hereinafter referred to as the "Commission") and amend the Stipulation and Agreement previously entered into by the parties as follows, to wit:

1. This Amended Stipulation and Agreement supersedes and replaces the original stipulation entered into by the parties in May 1989.
2. The original stipulation entered into by the parties in 1989 provided for the approval of 71 lots with individual Dawson Aquifer wells in Trails Filings Nos. 2, 3 and 4. Trails Filings Nos. 3 and 4 are unplatted. Depletions from Dawson wells to service the 14 lots in Filings Nos. 3 and 4 were based on Applicant's proposed plats submitted February 8, 1988. If the proposed plats are revised it may require a new determination of depletions. An Application for modification of the approved replacement plan was filed with the Colorado Ground Water Commission on May 24, 1994. It provides for Trails to replace from the well with Permit No. 17051-F (hereinafter Well 17051-F) located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th Principal Meridian, actual stream depletions caused by pumping Dawson wells for Trails Filing No. 2 Subdivision. The Trails Filing No. 2 Subdivision (hereinafter Trails Filing 2) is comprised of 57 lots being 1 through 7, 34, 35, 44 through 68 and 84 through 106. Well 17501-F is producing about 2370 gallons per day ("gpd") which is not adequate to replace all depletions based on the methodology of computing depletions under the original stipulation. On February 14, 1995, Trails submitted an amended proposal which provides for replacement water as agreed for in the original stipulation and the construction of Arapahoe Aquifer Well(s) as an additional replacement source to supplement Well 17051-F.
3. This Amended Stipulation and Agreement provides for replacement water for 71 individual wells in Trails Filings 2, 3 and 4. Modification of the original stipulation is approved based on agreement by all parties to the following considerations: Prior to the issuance of additional individual on-lot well permits, Trails shall complete at least one nontributary Arapahoe well as an additional replacement source to permanently replace the depletions associated with the pumping of Dawson wells in the Trails Filings 2, 3 and 4 and

1002AD6B

April 26, 1995

install, construct and place in operation all works and equipment necessary to deliver the replacement water from the subject nontributary Arapahoe well(s) to the alluvium of the Upper Black Squirrel Creek at the discharge point described in Paragraph 7.e. hereinafter.

4. After a preliminary evaluation, the modified replacement plan was published in the Gazette Telegraph on August 27 and September 1, 1994. The District is the only objector, and the time has expired for others to object. The Commission has jurisdiction over the approval or denial of the application.

5. The covenants for the Trails Filing 2 have been modified where applicable to reflect elements (a) through (i) below. Trails filings 3 and 4 are unplatted. Trails agrees to impose the same restrictions and covenants in Filings 3 and 4 as exist for Filing 2. The parties agree that contingent upon the availability of replacement water according to the requirements of this Stipulation in Paragraphs 3, 7 and 8, the following limitations and restrictions apply to the water supply for the 71 lots covered by this replacement plan:

a. Each lot may construct an individual on-lot well, for domestic purposes, to be completed in the Dawson aquifer. For the purpose of this agreement, domestic purposes include ordinary in-house uses, watering of lawn and garden (further limited below), and watering of non-commercial domestic animals (further limited below).

b. The well shall be limited to a maximum pumping rate of 15 gallons per minute.

c. Total diversions from each well shall not exceed 0.5 acre-foot per year, which is approximately 163,000 gallons per year.

d. Each lot shall be limited to the irrigation of no more than 3,000 square feet of lawn and garden.

e. Each lot owner will be entitled to maintain on his/her lot non-commercial domestic animals limited to a maximum of four horses, or other non-commercial domestic animals with an equivalent water requirement.

f. Each well shall be equipped with a totalizing flow meter and shall be maintained in good operating condition by each individual lot owner.

g. The plat and approved covenants require that lot owners construct duly approved non-evaporative septic tank and leach field domestic effluent systems with prior approval of the City and County Health Department of El Paso County.

h. Reservation of water rights by Trails.

(1) Subject to the rights of each owner to drill a water well for domestic purposes as hereinabove set forth, Trails has reserved unto itself, its successors and assigns, all water rights appurtenant to the Trails Filings 2, 3 and 4 except as specifically set forth herein.

(2) Trails is the owner of the municipal water well with Permit 17663-F (hereinafter Well 17663-F) located in the NW1/4 of the SW1/4 of Section 17, Township 12 South, Range 64 West of the 6th Principal Meridian. In the event that Well 17663-F interferes with the individual on-lot wells of the owners of Lots 34, 35, 44 through 49 inclusive, 67 and 68, and provided that such lot owner has drilled and cased their individual on-lot well to the bottom of the Dawson aquifer and such well is unable to produce 0.5 acre-feet annually, said lot owner shall be entitled to connect, at the sole cost of Trails (or its successor in interest) to Well 17663-F. This requirement shall then entitle a lot owner to receive up to 0.5 acre-feet annually at no cost to the lot owner and shall act as a lien upon Well 17663-F enforceable against the owner of said well. The State Engineer, or in the event that the State Engineer declines, a third party satisfactory to the parties shall be the final arbiter as to the amount of water produced by those individual on-lot wells within 1,000 feet of Well 17663-F. All connections shall be accomplished by the owner of Well 17663-F within one hundred twenty (120) days of a written notice being served upon said owner.

(3) In order to supplement the total quantity of water available to the subdivision, Trails agrees to convey a twenty-five percent (25) interest in the Denver aquifer underlying each lot to each lot purchaser. Individual lot owners may appropriate this water, but appropriation shall be used and the associated well operated in accordance with Paragraphs 5.b. through 5.g. above.

i. Return flows from the use of water by the lot owners have been determined by the Commission staff to return to the uppermost formation.

6. Trails avers that it has owned and conveyed the following water, water rights and facilities to Paint Brush as consideration for Paint Brush's administration and management of this amended replacement plan and the funding of monies required to drill, construct and complete at least one Arapahoe Aquifer Well to comply with this amended replacement plan, to wit:

a. Well, facilities and water rights appurtenant to Well 17051-F located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th

Principal Meridian, permitted for 22.5 acre-feet per year, said well being completed in both the Dawson and Denver aquifers.

b. Well, facilities and water rights appurtenant to Well Permit No. 17665-F (hereinafter Well 17665-F) located in the NE1/4 of the NW1/4 of Section 16, Township 12 South, Range 64 West of the 6th Principal Meridian, permitted for 144 acre-feet per year, said well being completed in the Dawson aquifer.

c. All right, title and interest to the ground water underlying Section 16, T12S, R64W, of the 6th P.M., west of Eastonville Road, comprising approximately 296 acres, namely

(1)	Denver aquifer:	126 acre-feet per year (not nontributary)
(2)	Arapahoe aquifer:	89 acre-feet per year (nontributary)
(3)	Laramie-Fox Hills aquifer:	81 acre-feet per year (nontributary)

TOTAL: 296 acre-feet per year

d. Easements for well sites and ingress and egress to said sites, namely:

(1) Well sites (50' x 50')

- Denver Well: to be surveyed
- Arapahoe Well: to be surveyed.
- Laramie-Fox Hills Well: to be surveyed.

(2) Permanent (ingress and egress) easements for the Denver, Arapahoe and Laramie-Fox Hills wells: to be surveyed.

(3) Surveys for well sites and easements shall be submitted to the parties at the time well permit applications are submitted to the Colorado Division of Water Resources or prior to platting of any land in Section 16.

7. Paint Brush represents that it has evaluated and received the consideration listed herein and agrees that the consideration is adequate to compensate Paint Brush for providing the monitoring, administration, regulatory services and funding called for in this modified stipulation. In particular, Paint Brush agrees to provide the following services:

a. Prior to use of Well 17051-F, Well 17665-F and the proposed Arapahoe Aquifer Well(s), Paint Brush will equip these wells with totalizing flow meters, which wells and meters shall be properly maintained and operated in compliance with the terms of the permits.

b. Paint Brush will maintain adequate records of pumping from Well 17051-F, Well 17665-F and the proposed Arapahoe Aquifer Well(s), maintain an accurate count of the number and date of completion of the individual on-lot wells drilled pursuant to this Stipulation and conduct periodic inspection of the residential lots to assure compliance with the requirements of Paragraphs 5.d. and 5.e. hereinabove.

c. Paint Brush will provide to the District and the Commission by February 15th of each year an annual report for the previous calendar year giving the following information.

(1) For each individual on-lot well in Trails Filing 2, 3 and 4 the name and address of said lot owner, the lot number, and a report on compliance with Paragraphs 5.d. and 5.e. hereinabove.

(2) The number of individual on-lot wells constructed in Trails Filing 2, 3 and 4 as of December 31st of each year.

(3) The amount of replacement water released in the prior pumping period (March 1 through December 1) to replace the previous year's computed depletions and the quantity of water required as determined in Paragraph 7.e. below for the next pumping period.

(4) The total withdrawal of Well 17051-F, Well 17665-F and the proposed Arapahoe Aquifer Well(s).

d. Well 17051-F under current interpretation of the Commission is dual completed. The well is completed thirty-seven percent (37%) in the Dawson aquifer and sixty-three percent (63%) in the Denver aquifer. Trails and Paint Brush shall be permitted to use this well as a nontributary source for up to 14.2 acre-feet per year for this replacement plan. Additionally, 7.7 acre-feet of water from the proposed

Arapahoe Aquifer Well(s) shall be dedicated to this modified replacement plan. Paint Brush agrees that if the Dawson/Denver well requires replacement, Paint Brush has received adequate consideration for this purpose and agrees to construct and operate a new replacement well for the 71 lot owners. Paint Brush may pump from Well 17501-F and the proposed Arapahoe Aquifer Well(s) the remaining permitted quantities for other permitted purposes not associated with this replacement plan so long as such pumping does not interfere with replacement obligations under this modified replacement plan.

e. Paint Brush will operate Well 17051-F and the proposed Arapahoe Aquifer Well(s) pursuant to the terms and conditions of paragraph 7 herein such that between March 1 and December 1 of each and every year, these wells will pump and discharge to Black Squirrel Creek at a point upstream of Eastonville Road, in Sections 7 or 8 of Township 12 South, Range 6 and West of the 6th P.M. for which point a survey shall be submitted by Paint Brush to the Commission within 30 days of commencement of discharge of replacement water, a specific quantity of replacement water based upon the following formula:

- (1) The number of individual on-lot wells existing in Trails Filing 2 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.20 = replacement water.
- (2) The number of individual on-lot wells in Trails Filings 3 and 4 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.28 = replacement water.

f. Paint Brush shall pump and discharge water from Well 17051-F and the proposed Arapahoe Aquifer Well(s) at rates not to exceed 14.5 gallons per minute for Well 17051-F and 50gpm for the Arapahoe Aquifer well(s). By releasing water at these rates between March 1 and December 1 of each year, the parties agree and stipulate that losses of water to non-beneficial uses will be minimized. All discharge to Black Squirrel Creek from Well 17051-F and the proposed Arapahoe Aquifer Well(s) shall be metered separately from the total production of that well.

g. During the first year after the construction and completion of the proposed Arapahoe Aquifer Well(s), Paint Brush shall pump and discharge to Black Squirrel Creek, at the point specified in paragraph 7.e. herein, that quantity of water which the Commission has determined to be owed to Black Squirrel Creek since May 1989 based on the formula described in paragraph 7.e. less actual discharges made by Paint Brush since 1989.

8. The parties agree and stipulate that in the event this replacement water is not discharged into Black Squirrel Creek during any particular year the individual on-lot wells will be allowed to continue pumping for that year but shall not pump in any following year, except as provided in this paragraph, unless the replacement waters are discharged to Black Squirrel Creek, including any deficit for prior year shortages. There shall be no curtailment of pumping of individual on-lot wells without providing notice to Paint Brush and providing Paint Brush a reasonable period of time, not to exceed one year from the date of notice, to correct the deficiency. Any new replacement water sources other than the Arapahoe Aquifer must be approved by all parties. When any substitute Arapahoe Aquifer Well is being used for replacement purposes its replacement use is restricted to the 71 lots in this plan. The Arapahoe Aquifer Well(s) in this plan may also be used for purposes other than replacement in accordance with the well permit(s).

9. The Commission retains jurisdiction over the replacement plan described in this Stipulation and may, upon its own motion or upon written request of the District, revoke or modify its approval of this Stipulation in the event monitoring or operating experience demonstrates further impairment or material injury to water rights or unreasonable impairment of water quality. No such modification or revocation shall occur without notice to Trails and Paint Brush and prior hearing before the Commission.

10. The monitoring, administration and regulation of the replacement plan may not be assigned without the prior written consent of all parties hereto, which consent shall not be unreasonably withheld.

11. It is the intention of the parties hereto that each lot owner shall be considered a third party beneficiary of the Trails.

12. This agreement and the obligations set forth herein shall be subject to specific enforcement by the parties or any third party beneficiaries. If this agreement is not performed, this agreement may be enforced by injunction of any party or third party beneficiary hereto.

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

April 26, 1995

13. This Stipulation shall be recorded by the applicant in the office of the El Paso County Clerk and Recorder and shall constitute a covenant running with Trails Filings 2, 3 and 4. Trails shall also provide that covenants shall be modified to coincide with this stipulation.

FOR THE APPLICANT:

FRIEDLOB SANDERSON RASKIN
PAULSON & TOURTILLOTT

By William B. Tourtillott, Jr.
William B. Tourtillott, Jr., #184
1400 Glenarm, Suite 300
Denver, Colorado 80202

4/26/95
Date

Attorneys for The Trails, Ltd. and
Jerry Smith

FOR THE UPPER BLACK SQUIRREL CREEK
GROUND WATER MANAGEMENT DISTRICT:

PETROCK & FENDEL

By J. J. Petrock
J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

5/3/95
Date

Attorney for the Upper Black Squirrel
Creek Ground Water Management District

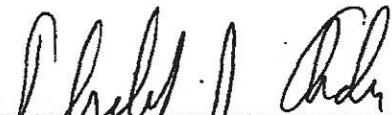
1002AD6B

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

April 26, 1995

FOR THE PAINT BRUSH HILLS METROPOLITAN
DISTRICT:

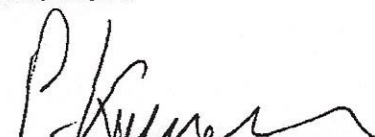
P. J. ANDERSON

By 
P. J. Anderson, #6309
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(719) 633-4873

Date 5/2/95

Attorney for the Paint Brush Hills
Metropolitan District

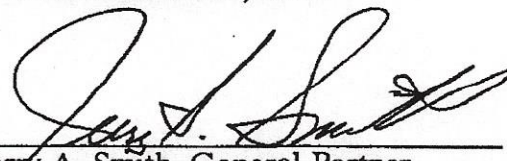
FOR THE COLORADO GROUND WATER
COMMISSION:

By 
Patrick E. Kowaleski, #9598
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
(303) 866-5129

Date 5/5/95

Attorney for the Colorado Ground
Water Commission

THE TRAILS, LTD.
J.A.S. PROPERTIES, INC.

By 
Jerry A. Smith, General Partner

May 2, 1995

1002AD6B

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

April 26, 1995

PAINT BRUSH HILLS METROPOLITAN
DISTRICT

By *Kenneth L. Lang*
Title: *Secretary*

1002AD6B

BEFORE THE COLORADO GROUNDWATER COMMISSION

Case Nos. 94GW06 and 88GW03

AMENDED APPLICATION OF
JERRY SMITH FOR APPROVAL
OF WATER SUPPLY FOR THE
TRAIL DEVELOPMENTS

THE TRAILS FILING NO. 2
(57 LOTS) AND FILINGS
NOS. 3 & 4 (14 LOTS)

RECEIVED

FEB 14 1996

SECOND AMENDED STIPULATION AND AGREEMENT
FOR MODIFIED REPLACEMENT PLAN

WATER RESOURCES
STATE ENGINEER
COLO.

COME NOW The Trials, Ltd., a Colorado limited partnership (hereinafter referred to as "Trails"), the Upper Black Squirrel Creek Management District (hereinafter referred to as the "District"), Paint Brush Hills Metropolitan District (hereinafter referred to as "Paint Brush"), and the Colorado Ground Water Commission (hereinafter referred to as the "Commission") and amend the Stipulation and Agreement previously entered into by the parties as follows, to wit:

1. This Second Amended Stipulation and Agreement supersedes and replaces the original stipulation and amendment thereto entered into by the parties in May 1989 and April 26, 1995, respectively.

2. The original stipulation entered into by the parties in 1989 provided for the approval of 71 lots with individual Dawson Aquifer wells in Trails Filings Nos. 2, 3 and 4. Trails Filings Nos. 3 and 4 are unplatted. Depletions from Dawson wells to service the 14 lots in Filings Nos. 3 and 4 were based on Applicant's proposed plats submitted February 8, 1988. If the proposed plats are revised it may require a new determination of depletions. An Application for modification of the approved replacement plan was filed with the Colorado Ground Water Commission on May 24, 1994. It provides for Trails to replace from the well with Permit No. 17051-F (hereinafter Well 17051-F) located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th Principal Meridian, actual stream depletions caused by pumping Dawson wells for Trails Filing No. 2 Subdivision. The Trails Filing No. 2 Subdivision (hereinafter Trails Filing 2) is comprised of 57 lots being 1 through 7, 34, 35, 44 through 68 and 84 through 106. Well 17501-F is producing about 2370 gallons per day ("gpd") which is not adequate to replace all depletions based on the methodology of computing depletions under the original stipulation. On February 14, 1995, Trails submitted an amended proposal which provides for replacement water as agreed for in the original stipulation and the construction of Arapahoe Aquifer Well(s) as an additional replacement source to supplement Well 17051-F.

3. The Amended Stipulation and Agreement entered into April 26, 1995 provides that "any new replacement water sources other than the Arapahoe Aquifer must be approved by all parties." (Paragraph 8 of the Amended Stipulation and Agreement.

February 7, 1996

4. The parties acknowledge that the geophysical log for the recently constructed Arapahoe Well under Permit No. 45307-F shows that the Arapahoe sands are so limited that the sands will not produce water adequate to meet the future needs of the Trails and Paint Brush under the Amended Stipulation and Agreement for Modified Replacement Plan, dated April 26, 1995.

5. By this Addendum the parties stipulate and agree that a Laramie-Fox Hills well to be located at the same site as the Arapahoe Well Permit No. 45307-F may be substituted as the replacement source under the Amended Stipulation and Agreement dated April 26, 1995.

6. The Trails and Paint Brush submitted, on November 26, 1995 a permit application to construct a Laramie-Fox Hills well as the replacement source. A copy of the Permit Application is attached. *MG to the Commission, 29 Nov 1995* *Ph 11-25* *U.S.T.*

7. The parties stipulate and agree that the State Engineer will issue, upon proper application, permits for five (5) individual on-lot residential wells to be located within Trails, Subdivision Filing 2. The Trails will send a letter with each of the five (5) well permit applications authenticating that the applications are filed pursuant to the Second Amended Stipulation and Agreement. Prior to the issuance of any other additional individual on-lot well permits in the Trails, Subdivision Filings 2, 3 and 4 Trails shall complete at least one nontributary Laramie-Fox Hills well as an additional replacement source to permanently replace the depletions associated with the pumping of Dawson wells in the Trails filings 2, 3 and 4 and install, construct and place in operation all works and equipment necessary to deliver the replacement water from the subject nontributary Laramie-Fox Hills well(s) to the alluvium of the Upper Black Squirrel Creek at the required discharge points.

8. This Second Amended Stipulation and Agreement provides for replacement water for 71 individual wells in Trails Filings 2, 3 and 4. Modification of the original stipulation and amendment is approved based on agreement by all parties to the following considerations: Prior to the issuance of any additional individual on-lot well permits other than the five (5) well permits described in Paragraph 7, Trails shall complete at least one nontributary Laramie-Fox Hills well as an additional replacement source to permanently replace the depletions associated with the pumping of Dawson wells in the Trails Filings 2, 3 and 4 and install, construct and place in operation all works and equipment necessary to deliver the replacement water from the subject nontributary Laramie-Fox Hills well(s) to the alluvium of the Upper Black Squirrel Creek at the discharge point described in Paragraph 12.e. hereinafter.

9. After a preliminary evaluation, the modified replacement plan was published in the Gazette Telegraph on August 27 and September 1, 1994. The District is the only

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objector, and the time has expired for others to object. The Commission has jurisdiction over the approval or denial of the application.

10. The covenants for the Trails Filing 2 have been modified where applicable to reflect elements (a) through (i) below. Trails filings 3 and 4 are unplatted. Trails agrees to impose the same restrictions and covenants in Filings 3 and 4 as exist for Filing 2. The parties agree that contingent upon the availability of replacement water according to the requirements of this Stipulation in Paragraphs 8, 12 and 13, the following limitations and restrictions apply to the water supply for the 71 lots covered by this replacement plan:

a. Each lot may construct an individual on-lot well, for domestic purposes, to be completed in the Dawson aquifer. For the purpose of this agreement, domestic purposes include ordinary in-house uses, watering of lawn and garden (further limited below), and watering of non-commercial domestic animals (further limited below).

b. The well shall be limited to a maximum pumping rate of 15 gallons per minute.

c. Total diversions from each well shall not exceed 0.5 acre-foot per year, which is approximately 163,000 gallons per year.

d. Each lot shall be limited to the irrigation of no more than 3,000 square feet of lawn and garden.

e. Each lot owner will be entitled to maintain on his/her lot non-commercial domestic animals limited to a maximum of four horses, or other non-commercial domestic animals with an equivalent water requirement.

f. Each well shall be equipped with a totalizing flow meter and shall be maintained in good operating condition by each individual lot owner.

g. The plat and approved covenants require that lot owners construct duly approved non-evaporative septic tank and leach field domestic effluent systems with prior approval of the City and County Health Department of El Paso County.

h. Reservation of water rights by Trails.

(1) Subject to the rights of each owner to drill a water well for domestic purposes as hereinabove set forth, Trails has reserved unto itself, its successors and assigns, all water rights appurtenant to the Trails Filings 2, 3 and 4 except as specifically set forth herein.

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(2) Trails is the owner of the municipal water well with Permit 17663-F (hereinafter Well 17663-F) located in the NW1/4 of the SW1/4 of Section 17, Township 12 South, Range 64 West of the 6th Principal Meridian. In the event that Well 17663-F interferes with the individual on-lot wells of the owners of Lots 34, 35, 44 through 49 inclusive, 67 and 68, and provided that such lot owner has drilled and cased their individual on-lot well to the bottom of the Dawson aquifer and such well is unable to produce 0.5 acre-feet annually, said lot owner shall be entitled to connect, at the sole cost of Trails (or its successor in interest) to Well 17663-F. This requirement shall then entitle a lot owner to receive up to 0.5 acre-feet annually at no cost to the lot owner and shall act as a lien upon Well 17663-F enforceable against the owner of said well. The State Engineer, or in the event that the State Engineer declines, a third party satisfactory to the parties shall be the final arbiter as to the amount of water produced by those individual on-lot wells within 1,000 feet of Well 17663-F. All connections shall be accomplished by the owner of Well 17663-F within one hundred twenty (120) days of a written notice being served upon said owner.

(3) In order to supplement the total quantity of water available to the subdivision, Trails agrees to convey a twenty-five percent (25) interest in the Denver aquifer underlying each lot to each lot purchaser. Individual lot owners may appropriate this water, but appropriation shall be used and the associated well operated in accordance with Paragraphs 10.b. through 10.g. above.

i. Return flows from the use of water by the lot owners have been determined by the Commission staff to return to the uppermost formation.

11. Trails avers that it has owned and conveyed the following water, water rights and facilities to Paint Brush as consideration for Paint Brush's administration and management of this amended replacement plan and the funding of monies required to drill, construct and complete at least one Arapahoe Aquifer Well to comply with this amended replacement plan, to wit:

a. Well, facilities and water rights appurtenant to Well 17051-F located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th Principal Meridian, permitted for 22.5 acre-feet per year, said well being completed in both the Dawson and Denver aquifers.

b. Well, facilities and water rights appurtenant to Well Permit No. 17665-F (hereinafter Well 17665-F) located in the NE1/4 of the NW1/4 of Section 16, Township 12 South, Range 64 West of the 6th Principal Meridian, permitted for 144 acre-feet per year, said well being completed in the Dawson aquifer.

February 7, 1996

c. All right, title and interest to the ground water underlying Section 16, T12S, R64W, of the 6th P.M., west of Eastonville Road, comprising approximately 296 acres, namely

(1)	Denver aquifer:	126 acre-feet per year (not nontributary)
(2)	Arapahoe aquifer:	89 acre-feet per year (nontributary)
(3)	Laramie-Fox Hills aquifer:	81 acre-feet per year (nontributary)

TOTAL: 296 acre-feet per year

d. Easements for well sites and ingress and egress to said sites, namely:

(1) Well sites (50' x 50')

- Denver Well: to be surveyed
- Arapahoe Well: to be surveyed.
- Laramie-Fox Hills Well: to be surveyed.

(2) Permanent (ingress and egress) easements for the Denver, Arapahoe and Laramie-Fox Hills wells: to be surveyed.

(3) Surveys for well sites and easements shall be submitted to the parties at the time well permit applications are submitted to the Colorado Division of Water Resources or prior to platting of any land in Section 16.

12. Paint Brush represents that it has evaluated and received the consideration listed herein and agrees that the consideration is adequate to compensate Paint Brush for providing the monitoring, administration, regulatory services and funding called for in this modified stipulation. In particular, Paint Brush agrees to provide the following services:

a. Prior to use of Well 17051-F, Well 17665-F and the proposed Laramie-Fox Hills Aquifer Well(s), Paint Brush will equip these wells with totalizing flow

February 7, 1996

meters, which wells and meters shall be properly maintained and operated in compliance with the terms of the permits.

b. Paint Brush will maintain adequate records of pumping from Well 17051-F, Well 17665-F and the proposed Laramie-Fox Hills Aquifer Well(s), maintain an accurate count of the number and date of completion of the individual on-lot wells drilled pursuant to this Stipulation and conduct periodic inspection of the residential lots to assure compliance with the requirements of Paragraphs 10.d. and 10.e. hereinabove.

c. Paint Brush will provide to the District and the Commission by February 15th of each year an annual report for the previous calendar year giving the following information.

(1) For each individual on-lot well in Trails Filing 2, 3 and 4 the name and address of said lot owner, the lot number, and a report on compliance with Paragraphs 10.d. and 10.e. hereinabove.

(2) The number of individual on-lot wells constructed in Trails Filing 2, 3 and 4 as of December 31st of each year.

(3) The amount of replacement water released in the prior pumping period (March 1 through December 1) to replace the previous year's computed depletions and the quantity of water required as determined in Paragraph 12.e. below for the next pumping period.

(4) The total withdrawal of Well 17051-F, Well 17665-F and the proposed Laramie-Fox Hills Aquifer Well(s).

d. Well 17051-F under current interpretation of the Commission is dual completed. The well is completed thirty-seven percent (37%) in the Dawson aquifer and sixty-three percent (63%) in the Denver aquifer. Trails and Paint Brush shall be permitted to use this well as a nontributary source for up to 14.2 acre-feet per year for this replacement plan. Additionally, 7.7 acre-feet of water from the proposed Laramie-Fox Hills Aquifer Well(s) shall be dedicated to this modified replacement plan. Paint Brush agrees that if the Dawson/Denver well requires replacement, Paint Brush has received adequate consideration for this purpose and agrees to construct and operate a new replacement well for the 71 lot owners. Paint Brush may pump from Well 17501-F and the proposed Laramie-Fox Hills Aquifer Well(s) the remaining permitted quantities for other permitted purposes not associated with this

February 7, 1996

replacement plan so long as such pumping does not interfere with replacement obligations under this modified replacement plan.

e. Paint Brush will operate Well 17051-F and the proposed Laramie-Fox Hills Aquifer Well(s) pursuant to the terms and conditions of paragraph 12 herein such that between March 1 and December 1 of each and every year, these wells will pump and discharge to Black Squirrel Creek at a point upstream of Eastonville Road, in Sections 7 or 8 of Township 12 South, Range 6 and West of the 6th P.M. for which point a survey shall be submitted by Paint Brush to the Commission within 30 days of commencement of discharge of replacement water, a specific quantity of replacement water based upon the following formula:

- (1) The number of individual on-lot wells existing in Trails Filing 2 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.20 = replacement water.
- (2) The number of individual on-lot wells in Trails Filings 3 and 4 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.28 = replacement water.

f. Paint Brush shall pump and discharge water from Well 17051-F and the proposed Laramie-Fox Hills Aquifer Well(s) at rates not to exceed 14.5 gallons per minute for Well 17051-F and 50gpm for the Laramie-Fox Hills Aquifer well(s). By releasing water at these rates between March 1 and December 1 of each year, the parties agree and stipulate that losses of water to non-beneficial uses will be minimized. All discharge to Black Squirrel Creek from Well 17051-F and the proposed Laramie-Fox Hills Aquifer Well(s) shall be metered separately from the total production of that well.

g. During the first year after the construction and completion of the proposed Laramie-Fox Hills Aquifer Well(s), Paint Brush shall pump and discharge to Black Squirrel Creek, at the point specified in paragraph 12.e. herein, that quantity of water which the Commission has determined to be owed to Black Squirrel Creek since May 1989 based on the formula described in paragraph 12.e. less actual discharges made by Paint Brush since 1989.

13. The parties agree and stipulate that in the event this replacement water is not discharged into Black Squirrel Creek during any particular year the individual on-lot wells will be allowed to continue pumping for that year but shall not pump in any following year, except as provided in this paragraph, unless the replacement waters are discharged to Black Squirrel Creek, including any deficit for prior year shortages. There shall be no curtailment

February 7, 1996

of pumping of individual on-lot wells without providing notice to Paint Brush and providing Paint Brush a reasonable period of time, not to exceed one year from the date of notice, to correct the deficiency. Any new replacement water sources other than the Laramie-Fox Hills Aquifer must be approved by all parties. When any substitute Laramie-Fox Hills Aquifer Well is being used for replacement purposes its replacement use is restricted to the 71 lots in this plan. The Laramie-Fox Hills Aquifer Well(s) in this plan may also be used for purposes other than replacement in accordance with the well permit(s).

14. The Commission retains jurisdiction over the replacement plan described in this Stipulation and may, upon its own motion or upon written request of the District, revoke or modify its approval of this Stipulation in the event monitoring or operating experience demonstrates further impairment or material injury to water rights or unreasonable impairment of water quality. No such modification or revocation shall occur without notice to Trails and Paint Brush and prior hearing before the Commission.

15. The monitoring, administration and regulation of the replacement plan may not be assigned without the prior written consent of all parties hereto, which consent shall not be unreasonably withheld.

16. It is the intention of the parties hereto that each lot owner shall be considered a third party beneficiary of the Trails.

17. This agreement and the obligations set forth herein shall be subject to specific enforcement by the parties or any third party beneficiaries. If this agreement is not performed, this agreement may be enforced by injunction of any party or third party beneficiary hereto.

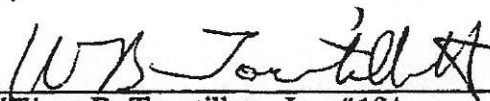
Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

February 7, 1996

18. This Stipulation shall be recorded by the applicant in the office of the El Paso County Clerk and Recorder and shall constitute a covenant running with Trails Filings 2, 3 and 4. Trails shall also provide that covenants shall be modified to coincide with this stipulation.

FOR THE APPLICANT:

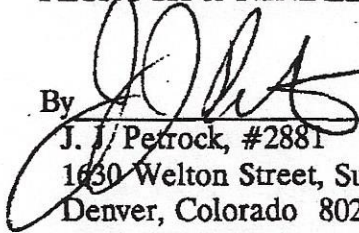
FRIEDLOB SANDERSON RASKIN
PAULSON & TOURTILLOTT, LLC

By  Feb. 7, 1996
Date
William B. Tourtillott, Jr., #184
1400 Glenarm, Suite 300
Denver, Colorado 80202

Attorneys for The Trails, Ltd. and
Jerry Smith

FOR THE UPPER BLACK SQUIRREL CREEK
GROUND WATER MANAGEMENT DISTRICT:

PETROCK & FENDEL

By  Feb 7, 1996
Date
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1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

Attorney for the Upper Black Squirrel
Creek Ground Water Management District


Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

February 7, 1996

FOR THE PAINT BRUSH HILLS METROPOLITAN
DISTRICT:

P. J. ANDERSON

By


P. J. Anderson, #6309
10 East Costilla
Colorado Springs, Colorado 80903
(719) 633-4873

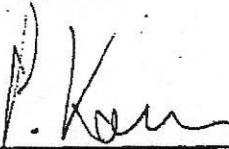
Date

2/12/96

Attorney for the Paint Brush Hills
Metropolitan District

FOR THE COLORADO GROUND WATER
COMMISSION:

By


Patrick E. Kowaleski, #9598
Assistant Attorney General
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Denver, Colorado 80203
(303) 866-5129

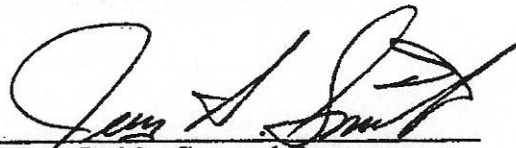
Date

2/9/96

Attorney for the Colorado Ground
Water Commission

THE TRAILS, LTD.
J.A.S. PROPERTIES, INC.

By


Jerry A. Smith, General Partner

2/10/96

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

February 7, 1996

PAINT BRUSH HILLS METROPOLITAN
DISTRICT

By Jerry A. Smith
Title: President

2/10/96

GUTHRIE RANCH WATER RIGHTS

Alluvium

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION TO CHANGE THE USE OF THE WELLS WITH FINAL PERMIT NOS. R-612-FP AND 27554-FP FROM IRRIGATION TO IRRIGATION, MUNICIPAL AND EXPORT OUTSIDE THE BASIN

APPLICANT: FRANCIS GUTHRIE

FINDINGS

1. On September 19, 1984, the Colorado Ground Water Commission issued Final Permit No. R-612-FP, located in the NW1/4 of the NW1/4 of Section 30, Township 12 South, Range 62 West of the 6th Principal Meridian to irrigate 157.5 acres consisting of land in the SW1/4 of Section 19 and the NE1/4 and W1/2 of Section 30, Township 12 South, Range 62 West, 6th P.M. The permit allows a maximum annual volume of appropriation of 393.75 acre-feet and a maximum pumping rate of 2200 G.P.M. The permit allows irrigation of a total of 234 acres by this well in conjunction with the well with Permit No. 27554-FP.
2. On September 19, 1984, the Colorado Ground Water Commission issued Final Permit No. 27554-FP, located in the SW1/4 of the SW1/4 of Section 19, Township 12 South, Range 62 West of the 6th Principal Meridian to irrigate 76.5 acres consisting of land in the SW1/4 of Section 19 and the NE1/4 and W1/2 of Section 30, Township 12 South, Range 62 West, 6th P.M. The permit allows a maximum annual volume of appropriation of 191.25 acre-feet and a maximum pumping rate of 1200 G.P.M. The permit allows irrigation of a total of 234 acres by this well in conjunction with the well with Permit No. R-612-FP.
3. The wells in question are located in the Upper Black Squirrel Creek Designated Ground Water Basin and in the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission has jurisdiction.
4. The application, received March 8, 1989, seeks to change the use of these two final permits from irrigation to irrigation, municipal and export outside the basin.
5. The application was published in the Gazette Telegraph on January 4 and 11, 1990.
6. A. An objection to the application by Rudolph Brauer was received on January 16, 1990. This objection was unconditionally withdrawn on April 12, 1990.

B. An objection to the application was received from the Upper Black Squirrel Creek Groundwater Management District on January 23, 1990. A conditional withdrawal of this objection by the District was received on April 26, 1990, providing if certain conditions were acceptable to the applicant. The applicant has accepted those conditions and those conditions are made a part of this Commission Order.

C. A motion to vacate the hearing was received on May 3, 1990. The Hearing Officer vacated the hearing on May 4, 1990.

7. In support of this application, the applicant has submitted information on historic crops and acreages irrigated, well power usage, and well efficiencies. The Commission has reviewed this information and other information available in the offices of the Division of Water Resources to determine the amounts shown in Table 1.

TABLE 1

<u>Well Permit No.</u>	<u>Average Annual Historic Withdrawal (acre-feet)</u>	<u>Average Annual Withdrawal Allowable for Municipal Use and Export Outside the Basin (acre-feet)</u>
R-612-FP	275	246
27554-FP	51	43

8. In order to prevent injury to the vested water rights of others in the Upper Black Squirrel Creek alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin, it is necessary to impose conditions on the proposed change. Under conditions as stated in the Order, no material injury will occur to other vested water rights.

ORDER

In accordance with Section 37-90-111(1)g, C.R.S., the Colorado Ground Water Commission therefore orders that the application for a change of use from irrigation to irrigation, municipal and export outside the basin for the wells with Final Permit Nos. R-612-FP and 27554-FP is approved subject to the following conditions:

1. Both of these wells may continue to be used for irrigation purposes in accordance with the final permit issued for each well until such time as a well is first used for municipal use and/or export outside the basin. At such time that a well is first used for municipal use and/or export outside the basin, there shall be no further irrigation by this well of the land authorized for irrigation under the permit for that particular well and the average annual withdrawal allowable for municipal use and/or export outside the basin, shown in Table 1, shall become the average annual withdrawal allowed for that well.
2. The owner may receive an increase in the average annual withdrawal from a well when used for municipal use upon proving to the satisfaction of the Commission that the amount of water consumptively used from that well is less than the average annual withdrawal allowed for that well. Any water withdrawn by any of these two wells for municipal purposes claimed to be not consumptively used must be returned to the alluvial aquifer near the point of withdrawal.

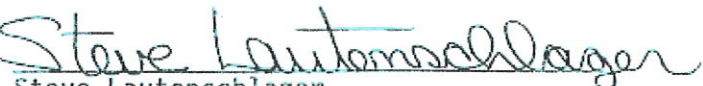
3. The wells shall not be used as alternate points of diversion for one another.
4. The maximum pumping rate of both of these wells shall not exceed the rate shown on the final permit for that particular well.
5. A totalizing flow meter shall be installed on each of these wells before that well is first used for municipal and/or export outside the basin. The owner shall submit to the Commission and District the serial numbers, units of measure, and initial reading of each of the flow meters installed (specifying on which well each flow meter was installed) within sixty (60) days after flow meter installation. The owner shall also maintain each flow meter in good working order and collect annual diversion records, which shall be submitted to the Commission and District upon their request.
6. The use of these wells is also subjected to the conditions attached herewith as Attachment A, which conditions have been accepted by the District and the applicant.

DONE this 14th day of May, 1990.



Jeris A. Danielson
Executive Director
Colorado Ground Water Commission

By:



Steve Lautenschlager
Water Resource Engineer
Ground Water Section

SPL/CML/jmg

03051

BEFORE THE GROUND WATER COMMISSION OF THE STATE OF COLORADO
AMENDED FINAL PERMIT 27554-FP
UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

Priority date: November 1, 1949 Priority Number: 16

Use: Irrigation, Municipal and Export Outside the Basin

Name of claimant: Francis Guthrie

Location of well: SW1/4 of the SW1/4 of Section 19, Township 12 South,
Range 62 West of the 6th Principal Meridian

Maximum annual volume of appropriation: 191.25 acre-feet

Maximum pumping rate: 1200 gallons per minute

Number of acres which may be irrigated: 76.5 acres singly or 234 acres with
Permit No. R-612-FP.

Description of acres irrigated: Land in the SW1/4 of Section 19 and the NE1/4
and W1/2 of Section 30, Township 12 South, Range 62 West.

Aquifer: Alluvium

Totalizing Flow Meter: Meter required


Note: Priority number 16 was formerly assigned Permit No. R-11943.


CHANGE OF USE AUTHORIZATION

The use of this well is limited to one of the above listed uses. When the well
is used for municipal and/or export outside the basin purposes the average
withdrawal is restricted to 43 acre-feet annually on a 3-year rolling average
and other conditions stated in Findings and Order dated May 14, 1990 shall apply.

Done this 15th day of October, 1990.

By:


Purushottam Dass, Chief
Designated Basins Branch
Ground Water Section


Jervis A. Danielson
State Engineer
State of Colorado

BEFORE THE GROUND WATER COMMISSION OF THE STATE OF COLORADO
AMENDED FINAL PERMIT R-612-FP
UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

Priority date: June 30, 1956

Priority No. 110

Use: Irrigation, Municipal and Export Outside the Basin

Name of claimant: Francis Guthrie

Location of well: NW1/4 of the NW1/4 of Section 30, Township 12 South,
Range 62 West of the 6th Principal Meridian

Maximum annual volume of appropriation: 393.75 acre-feet

Maximum pumping rate: 2200 gallons per minute

Number of acres which may be irrigated: 157.5 acres singly or 234 acres with
Permit No. 27554-FP

Description of acres irrigated: Land in the SW1/4 of Section 19 and the NE1/4
and W1/2 of Section 30, Township 12 South, Range 62 West.

Aquifer: Alluvium

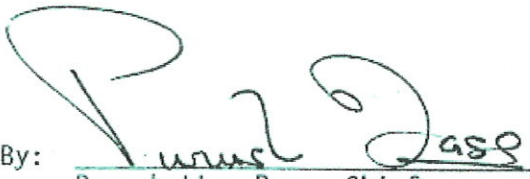
Totalizing Flow Meter: Meter required

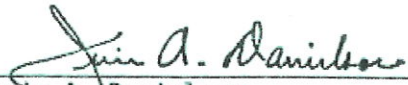
CHANGE OF USE AUTHORIZATION

The use of this well is limited to one of the above listed uses. When the well is used for municipal use and/or export outside the basin, the average withdrawal is restricted to 246 acre-feet annually on a 3-year rolling average and other conditions stated in Findings and Order dated May 14, 1990 shall apply.

Done this 18th day of October, 1990.

By:


Purushottam Dass, Chief
Designated Basins Branch
Ground Water Section


Jeris A. Danielson
State Engineer
State of Colorado

228-BD

Laramie Fox Hills

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE
ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR
DETERMINATION OF WATER RIGHT NO. 228-BD

APPLICANT: GTL DEVELOPMENT, INC., & B.I.G. PARTNERS, LTD.

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, GTL Development, Inc., and B.I.G. Partners, Ltd., (hereinafter "applicants") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 228-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

1. Pursuant to Section 37-90-107(7), CRS, in a Ground Water Commission Findings and Order dated October 18, 2001, the Commission approved a Determination of Water Right for GTL Development, Inc., and B.I.G. Partners, Ltd., assigned Determination No. 228-BD. This determination of water right allows the appropriation of ground water from the Laramie-Fox Hills aquifer (hereinafter "aquifer"), underlying 1520 acres consisting of three noncontiguous tracts of land generally described as: Area A - a 600 acre tract described as all of Section 30 excluding the SE1/4 of the SW1/4; Area B - a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28, the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33; and Area C - a 80 acre tract located in the N1/2 of the NW1/4 of Section 32; all in Township 12 South, Range 62 West of the 6th Principal Meridian. This area is more completely described in Exhibit A of the above described Findings and Order.
2. In accordance with Paragraphs 19, 20, and 24(a) of the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 234 acre-feet for Area A, 315 acre-feet for Area B, and 30.6 acre-feet for Area C, to be used on the above described 1520 acre area for the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply. $234+315+30.8 = 579.8 \text{ AF}$
3. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. By an application for change of determination of water right - received complete by the Commission on October 15, 2001 - the applicants have requested to change the allowed beneficial uses to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes; and change the place of use to the following:

Applicants: GTL Development, Inc., and B.I.G. Partners, Ltd.

Aquifer: Laramie-Fox Hills

Determination No. 228-BD

Page 2

- a) The applicants will deliver a portion of the ground water from the allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.
- b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations will occur outside this basin.
5. The above described 1520 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.
 6. On February 6, 2002, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on March 14, 2002, in the form of an objection.
 7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), CRS, the requested change of determination water right was advertised in The Gazette newspaper on February 14 and 21, 2002.
 8.
 - a. On March 14, 2002, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 02-GW-06. No other objection to the proposed change was received within the time limit set by statute.
 - b. Prior to a hearing in this case, the objector withdrew their objection to the application pursuant to a stipulation between the applicants and objector. By Order of the Commission Hearing Officer dated September 25, 2002, Case No. 02-GW-06 was dismissed and remanded to the Commission staff to take whatever administrative action it deemed necessary.
 9. In accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

Applicants: GTL Development, Inc., and B.I.G. Partners, Ltd.
Aquifer: Laramie-Fox Hills
Determination No. 228-BD

Page 3

ORDER

10. Now, therefore, it is ordered that the request for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 228-BD is approved, subject to the following conditions:
11. The use of ground water shall be limited to the following: municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. Municipal use may only occur within the water services areas of the Woodmen Hills Metropolitan District, Meridian Ranch Metropolitan District, Meridian Service Metropolitan District, and the Cherokee Metropolitan District.
12. Place of use of ground water shall be limited to the following:
 - a) The applicants will deliver a portion of the ground water from these allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.
 - b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations shall occur outside this basin.
13. Prior to the withdraw and use of this allocation of ground water, the well owner(s) shall provide an engineering accounting plan, acceptable to the Commission, that specifically demonstrates how the Cherokee Metropolitan District portion of the ground water will be limited in place of use to only this district's water service area located within the Upper Black Squirrel Creek Designated Ground Water Basin.
14. Of the total annual amount of ground water withdrawn annually from the aquifer, at least two percent (2%) of this water must be returned directly to the alluvial aquifer of Black Squirrel Creek in the vicinity of the point(s) of withdrawal. Therefore, prior to the withdrawal and use of this allocation of ground water, the well owner(s) shall construct an infiltration gallery or similar structure, acceptable to the Commission, to return the required amount of replacement ground water to the alluvial aquifer located within the W1/2 of Section 30, Township 12 South, Range 62 West of the 6th Principal Meridian.

Applicants: GTL Development, Inc., and B.I.G. Partners, Ltd.
Aquifer: Laramie-Fox Hills
Determination No. 228-BD


Page 4

15. A totalizing flow meter shall be installed on each well and on the water transport line to the above described infiltration gallery. The well owner(s) shall maintain these flow meters in good working order. Annual diversion records and measurements of annual amount of discharge to the infiltration gallery shall be collected and maintained by the well owner(s) and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District Ground Water Management District upon their request.
16. The Commission's Findings and Order of October 18, 2001, for Determination of Water Right No. 228-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 228-BD shall remain in full force and effect.

Dated this 20th day of June, 2003.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 
Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

229-BD

Arapahoe

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE
ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR
DETERMINATION OF WATER RIGHT NO. 229-BD

APPLICANT: GTL DEVELOPMENT, INC., & B.I.G. PARTNERS, LTD.

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, GTL Development, Inc., and B.I.G. Partners, Ltd., (hereinafter "applicants") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 229-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

1. Pursuant to Section 37-90-107(7), CRS, in a Ground Water Commission Findings and Order dated October 18, 2001, the Commission approved a Determination of Water Right for GTL Development, Inc., and B.I.G. Partners, Ltd., assigned Determination No. 229-BD. This determination of water right allows the appropriation of ground water from the Arapahoe aquifer (hereinafter "aquifer"), underlying 1520 acres consisting of three noncontiguous tracts of land generally described as: Area A - a 600 acre tract described as all of Section 30 excluding the SE1/4 of the SW1/4; Area B - a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28, the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33; and Area C - a 80 acre tract located in the N1/2 of the NW1/4 of Section 32; all in Township 12 South, Range 62 West of the 6th Principal Meridian. This area is more completely described in Exhibit A of the above described Findings and Order.
2. In accordance with Paragraphs 19, 20, and 24(a) of the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 194 acre-feet for Area A, 264 acre-feet for Area B, and 23.1 acre-feet for Area C, to be used on the above described 1520 acre area for the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply.
3. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. By an application for change of determination of water right - received complete by the Commission on October 15, 2001 - the applicants have requested to change the allowed beneficial uses to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes; and change the place of use to the following:


$$194+264+23.1 = 481.1$$

Applicants: GTL Development, Inc., and B.I.G. Partners, Ltd.

Page 2

Aquifer: Arapahoe

Determination No. 229-BD

- a) The applicants will deliver a portion of the ground water from the allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.
- b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations will occur outside this basin.
5. The above described 1520 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.
6. On February 6, 2002, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on March 14, 2002, in the form of an objection.
7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), CRS, the requested change of determination water right was advertised in The Gazette newspaper on February 14 and 21, 2002.
8. a. On March 14, 2002, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 02-GW-06. No other objection to the proposed change was received within the time limit set by statute.
- b. Prior to a hearing in this case, the objector withdrew their objection to the application pursuant to a stipulation between the applicants and objector. By Order of the Commission Hearing Officer dated September 25, 2002, Case No. 02-GW-06 was dismissed and remanded to the Commission staff to take whatever administrative action it deemed necessary.
9. In accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

Applicants: GTL Development, Inc., and B.I.G. Partners, Ltd.
Aquifer: Arapahoe
Determination No. 229-BD

Page 3

ORDER

10. Now, therefore, it is ordered that the request for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 229-BD is approved, subject to the following conditions:
11. The use of ground water shall be limited to the following: municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. Municipal use may only occur within the water services areas of the Woodmen Hills Metropolitan District, Meridian Ranch Metropolitan District, Meridian Service Metropolitan District, and the Cherokee Metropolitan District.
12. Place of use of ground water shall be limited to the following:
 - a) The applicants will deliver a portion of the ground water from these allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.
 - b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations shall occur outside this basin.
13. Prior to the withdraw and use of this allocation of ground water, the well owner(s) shall provide an engineering accounting plan, acceptable to the Commission, that specifically demonstrates how the Cherokee Metropolitan District portion of the ground water will be limited in place of use to only this district's water service area located within the Upper Black Squirrel Creek Designated Ground Water Basin.
14. Of the total annual amount of ground water withdrawn annually from the aquifer, at least two percent (2%) of this water must be returned directly to the alluvial aquifer of Black Squirrel Creek in the vicinity of the point(s) of withdrawal. Therefore, prior to the withdrawal and use of this allocation of ground water, the well owner(s) shall construct an infiltration gallery or similar structure, acceptable to the Commission, to return the required amount of replacement ground water to the alluvial aquifer located within the W1/2 of Section 30, Township 12 South, Range 62 West of the 6th Principal Meridian.

Applicants: GTL Development, Inc., and B.I.G. Partners, Ltd.

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Aquifer: Arapahoe

Determination No. 229-BD

15. A totalizing flow meter shall be installed on each well and on the water transport line to the above described infiltration gallery. The well owner(s) shall maintain these flow meters in good working order. Annual diversion records and measurements of annual amount of discharge to the infiltration gallery shall be collected and maintained by the well owner(s) and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District Ground Water Management District upon their request.
16. The Commission's Findings and Order of October 18, 2001, for Determination of Water Right No. 229-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 229-BD shall remain in full force and effect.

Dated this 20th day of June, 2003.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission



By: Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

HART RANCH WATER RIGHTS

2099-BD
Laramie Fox Hills

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE TYPE OF USE AND PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 2099-BD

APPLICANT: JAY J. HART, EVELYN HART, NORMAN HART AND DONENE HART

AQUIFER: LARAMIE-FOX HILLS

In compliance with Section 37-90-111(1)(g), C.R.S., Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart (hereinafter "applicant") submitted an application for a change of determination of water right to change the type of use and place of use of ground water under Determination of Water Right No. 2099-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated June 25, 2009, the Colorado Ground Water Commission approved Determination of Water Right No. 2099-BD for Jay and Evelyn Hart. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying 320 acres, more completely described in Exhibit A of the above described Findings and Orders dated June 25, 2009.
2. In accordance with the above Order dated June 25, 2009:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 125 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 320-acre overlying land area.
 - c. The allowed intended beneficial uses for this allocation of ground water are as follows: domestic, irrigation, commercial, industrial, fire protection, stock watering and augmentation.
3. By an application to change a Determination of Water right submitted on November 25, 2011 the applicant has requested to change the allowed type of use of the subject Determination of Water right to include municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts, and place of use to include the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.

Applicant: Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart
Aquifer: Laramie-Fox Hills
Determination No.: 2099-BD

Page 2

4. The applicant provided documentation of joint ownership of portions of the water right of Determination of Water Right no. 2099-BD. A special warranty deed dated September 28, 2009 (El Paso County Reception #209116922) that conveyed to Norman Hart and Donene L. Hart, as joint tenants 40.875 annual acre-feet of the 125 annual acre-feet in the Laramie-Fox Hills aquifer, subject in Determination of Water Right no. 2099-BD.
5. The applicant provided a documentation that Meridian Service Metropolitan District and Woodmen Hills Metropolitan District intend to purchase water from the applicant; letter dated June 28, 2011.
6. The application does not request a change in the allowed amounts of withdrawal.
7. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
8. The above-described 320-acres are within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
9. On June 15, 2012, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. Written recommendations from the district were received on July 26, 2012.
10. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on June 21 and June 28, 2012. No objections to the proposed change were received within the time limit set by statute.
11. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions in the following Order:

ORDER


Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 2099-BD is approved, subject to the following conditions:

Applicant: Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart
Aquifer: Laramie-Fox Hills
Determination No.: 2099-BD

Page 3

12. The allowed type of use of the subject determination of water right shall be limited to the following beneficial uses: domestic, irrigation, commercial, industrial, fire protection, stock watering, augmentation and municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts.
13. The allowed place of use of the subject determination of water right shall be limited to the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.
14. The Commission's Findings and Order of June 25, 2009, for Determination of Water Right No. 2099-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 2099-BD shall remain in full force and effect.
15. A copy of this Findings and Order 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 320 acres of overlying land area, or any part thereof, shall reveal the existence of this determination.
16. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change

Dated this 3rd day of August, 2012.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 

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

Prepared by: JPM
ChangeF&O2099-BD.doc

2100-BD

Arapahoe

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE
THE TYPE OF USE AND PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 2100-BD

APPLICANT: JAY J. HART, EVELYN HART, NORMAN HART AND DONENE HART

AQUIFER: ARAPAHOE

In compliance with Section 37-90-111(1)(g), C.R.S., Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart (hereinafter "applicant") submitted an application for a change of determination of water right to change the type of use and place of use of ground water under Determination of Water Right No. 2100-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated June 25, 2009, the Colorado Ground Water Commission approved Determination of Water Right No. 2100-BD for Jay and Evelyn Hart. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer"), underlying 320 acres, more completely described in Exhibit A of the above described Findings and Orders dated June 25, 2009.
2. In accordance with the above Order dated June 25, 2009:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 103 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 320-acre overlying land area.
 - c. The allowed intended beneficial uses for this allocation of ground water are as follows: domestic, irrigation, commercial, industrial, fire protection, stock watering and augmentation.
3. By an application to change a Determination of Water right submitted on November 25, 2011 the applicant has requested to change the allowed type of use of the subject Determination of Water right to include municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts, and place of use to include the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.

Applicant: Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart
Aquifer: Arapahoe
Determination No.: 2100-BD

Page 2

4. The applicant provided documentation of joint ownership of portions of the water right of Determination of Water Right no. 2100-BD. A special warranty deed dated September 28, 2009 (El Paso County Reception #209116922) that conveyed to Norman Hart and Donene L. Hart, as joint tenants 40.875 annual acre-feet of the 103 annual acre-feet in the Arapahoe aquifer, subject in Determination of Water Right no. 2100-BD.
5. The applicant provided a documentation that Meridian Service Metropolitan District and Woodmen Hills Metropolitan District intend to purchase water from the applicant; letter dated June 28, 2011.
6. The application does not request a change in the allowed amounts of withdrawal.
7. The requested change shall be considered under the same standards as would be used for an application for determination of water right.
8. The above-described 320-acres are within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
9. On June 15, 2012, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. Written recommendations from the district were received on July 26, 2012.
10. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on June 21 and June 28, 2012. No objections to the proposed change were received within the time limit set by statute
11. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions in the following Order:

ORDER

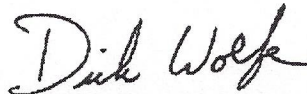
Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 2100-BD is approved, subject to the following conditions:

Applicant: Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart
Aquifer: Arapahoe
Determination No.: 2100-BD

Page 3

12. The allowed type of use of the subject determination of water right shall be limited to the following beneficial uses: domestic, irrigation, commercial, industrial, fire protection, stock watering, augmentation and municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts.
13. The allowed place of use of the subject determination of water right shall be limited to the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.
14. The Commission's Findings and Order of June 25, 2009, for Determination of Water Right No. 2100-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 2100-BD shall remain in full force and effect.
15. A copy of this Findings and Order 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 320 acres of overlying land area, or any part thereof, shall reveal the existence of this determination.
16. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change

Dated this 3rd day of August, 2012.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: 

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

Prepared by: JPM
ChangeF&O2100-BD.doc

Appendix B – Water Permits

Onsite Wells

Arapahoe Wells

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

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

LIC

WELL PERMIT NUMBER 056516 **F**
DIV. 8 **WD 10** **DES. BASIN 4** **MD 12**

APPLICANT

LATIGO INVESTMENTS LP
% GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

NW 1/4 NW 1/4 Section 30
Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

100 Ft. from North Section Line
1100 Ft. from West Section Line

UTM COORDINATES

Northing:

Easting:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 155-BD.
The maximum pumping rate of this well shall not exceed 150 GPM.
The annual withdrawal of ground water from this well shall not exceed 942 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 1400 feet below the ground surface and the base of the aquifer is located approximately 1875 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well (designated A-1) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

Receipt No. 0477493F

DATE ISSUED

SEP 20 2001

By

EXPIRATION DATE

SEP 20 2002

Form No.
GWS-25
OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
 818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
 (303) 866-3581

LIC

WELL PERMIT NUMBER

056517

DIV. 8

WD 10

DES. BASIN 4

MD 12

APPLICANT

 LATIGO INVESTMENTS LP
 % GTL INC
 PO BOX 80036
 SAN DIEGO, CA 92138-

(619) 223-1663

PERMIT TO CONSTRUCT A WELL

APPROVED WELL LOCATION

EL PASO COUNTY

 SW 1/4 NE 1/4 Section 30
 Township 12 S Range 64 W Sixth P.M.
DISTANCES FROM SECTION LINES

1700 Ft. from North Section Line

2480 Ft. from East Section Line

UTM COORDINATES

Northing:

Easting:

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 155-BD.
The maximum pumping rate of this well shall not exceed 150 GPM.
- 4) The annual withdrawal of ground water from this well shall not exceed 842 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 5) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 6) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 1325 feet below the ground surface and the base of the aquifer is located approximately 1790 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 7) The owner shall mark the well (designated A-2) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 8) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 9) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 10) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 11) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

DATE ISSUED **SEP 20 2001**

By

EXPIRATION DATE **SEP 20 2002**

Receipt No. 0477493D

Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

APPLICANT

WELL PERMIT NUMBER		59680	-F	-
DIV. 8	WD 10	DES. BASIN 4	MD 12	

LATIGO INVESTMENTS, LP
C/O GTL, INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

NW 1/4 NW 1/4 Section 19
Township 12 S Range 64 W Sixth P.M.DISTANCES FROM SECTION LINES

300 Ft. from North Section Line

300 Ft. from West Section Line

UTM COORDINATES

Northing:

Easting:

PERMIT TO CONSTRUCT A WELLCONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 155-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 942 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 1535 feet below the ground surface and the base of the aquifer is located approximately 2025 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well (designated A-4) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

Receipt No. 0498484A

DATE ISSUED 05-30-2003

By

EXPIRATION DATE 05-30-2004



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

SE 1/4 NE 1/4 Section 29 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 536829.0 Northing: 4314285.0


PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 155-BD, and the Commission Orders dated June 28, 2006 and October 23, 2014, for change of water right for 155-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of water to be withdrawn from this well in combination with all other wells withdrawing water pursuant to Determination of Water Right no. 155-BD may not exceed 942 acre-feet.
- 6) The use of ground water from this well is limited to municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acres described in the Order of the Commission dated March 26, 2001; 977.16 acres described in the Order dated June 28, 2006; and the Woodmen Hills and Paint Brush Hills Metropolitan Districts as approved in the Order dated October 23, 2014.
- 7) **CONDITION REVOKED ON 09/20/2019 REPLACED BY CONDITION #8.**
This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 1205 feet below the ground surface and the base of the aquifer is located approximately 1675 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) Production is limited to the Arapahoe aquifer, which is located 1205 feet below land surface and extends to a depth of 1675 feet. Total drilled depth must not exceed 1715 feet below ground surface to accommodate a sump/rathole at the bottom of the well. In the event a sand unit is encountered in the interval below the base of the Arapahoe aquifer, the sand interval and intervening shale below the base of the Arapahoe aquifer must be grouted in a manner sufficient to prevent communication between the Arapahoe aquifer and Laramie Formation sandstone beds. Plain casing must be installed and grouted to prevent the withdrawal of ground water from other aquifers and the movement of ground water between aquifers.
- 9) The owner shall mark the well (designated A-6) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit, on the 2,650 acres of land described in the above described Order dated March 26, 2001. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 11) **CONDITION REVOKED ON 10/10/2019 REPLACED BY CONDITION #12.**
The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.

- 12) This well is located within 1,320 feet of an existing well constructed under permit no. 82766-F, for which an acceptable geophysical log is available. Pursuant to Rule 9A of the Statewide Nontributary Ground Water Rules the geophysical logging requirement can be waived. AML 10/10/2019
- 13) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 14) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 15) Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the following webpage: <http://water.state.co.us/groundwater/BOE/Pages/VariancesWaivers.aspx>
- NOTE: This well will be completed in a Type I aquifer overlain by multiple confining layers and must be constructed with solid steel casing and grouted in accordance with Well Construction Rule 10.4.5.2 (2 CCR 402-2).
- NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
- NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.



Date Issued: 12/10/2018

Expiration Date: 12/10/2019

Issued By NEELHA MUDIGONDA

PERMIT HISTORY

10-10-2019	GEOPHYSICAL LOG WAIVED
09-20-2019	PERMIT AMENDMENT (CONDITIONS)



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

NW 1/4 SW 1/4 Section 21 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 537304.7 Northing: 4315546.7

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission for Determination of Water Right No. 155-BD dated March 25, 2001, June 28, 2006 and October 23, 2014.
- 4) The pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Arapahoe aquifer and operating pursuant to Determination of Water Right No. 155-BD may not exceed 942 acre-feet, subject to the conditions of Determination of Water Right No. 155-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 6) The total amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Arapahoe aquifer and operating pursuant to Determination of Water Right No. 155-BD may not exceed a volume of 94,200 acre-feet, subject to the conditions of Determination of Water Right No. 155-BD.
- 7) The use of ground water from this well is limited to municipal, central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies. The place of use shall be limited to the 2650 acre land area described in the Findings and Order dated March 26, 2001, 977.19 acre land area described in the Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan District as described in the Findings and Order dated October 23, 2014.
- 8) Production from this well is restricted to the Arapahoe aquifer, which corresponds to the interval between 1280 feet and 1745 feet below the ground surface.
- 9) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 11) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 13) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

- 14) ADVANCE NOTICE REQUIRED - Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the the Division of Water Resource website.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well 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 designated ground water as authorized under this permit.

NOTE: This well will be completed in a Type 1 aquifer overlain by multiple confining layers and must be constructed with solid steel casing and grouted in accordance with Well Construction Rule 10.4.5.2 (2 CCR 402-2).



Issued By AILIS THYNE

Date Issued: 7/30/2020

Expiration Date: 7/30/2021



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

NE 1/4 NW 1/4 Section 21 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 537768.4 Northing: 4316616.9

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission for Determination of Water Right No. 155-BD dated March 25, 2001, June 28, 2006 and October 23, 2014.
- 4) The pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Arapahoe aquifer and operating pursuant to Determination of Water Right No. 155-BD may not exceed 942 acre-feet, subject to the conditions of Determination of Water Right No. 155-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 6) The total amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Arapahoe aquifer and operating pursuant to Determination of Water Right No. 155-BD may not exceed a volume of 94,200 acre-feet, subject to the conditions of Determination of Water Right No. 155-BD.
- 7) The use of ground water from this well is limited to municipal, central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies. The place of use shall be limited to the 2650 acre land area described in the Findings and Order dated March 26, 2001, 977.19 acre land area described in the Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan District as described in the Findings and Order dated October 23, 2014.
- 8) Production from this well is restricted to the Arapahoe aquifer, which corresponds to the interval between 1335 feet and 1815 feet below the ground surface.
- 9) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 11) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 13) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

- 14) ADVANCE NOTICE REQUIRED - Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the the Division of Water Resource website.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well 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 designated ground water as authorized under this permit.

NOTE: This well will be completed in a Type 1 aquifer overlain by multiple confining layers and must be constructed with solid steel casing and grouted in accordance with Well Construction Rule 10.4.5.2 (2 CCR 402-2).



Issued By AILIS THYNE

Date Issued: 7/30/2020

Expiration Date: 7/30/2021

Form No.
GWS-25

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

LIC

WELL PERMIT NUMBER 59681 -F-
DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

LATIGO INVESTMENTS, LP
C/O GTL, INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY
NE 1/4 SE 1/4 Section 30
Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

1400 Ft. from South Section Line
380 Ft. from East Section Line

UTM COORDINATES

Northing: Easting:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 155-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 942 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 1260 feet below the ground surface and the base of the aquifer is located approximately 1725 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well (designated A-9) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

Receipt No. 0498484B

DATE ISSUED 05-30-2003

By

EXPIRATION DATE 05-30-2004

Denver Well

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

LIC

WELL PERMIT NUMBER 64496 -F-
DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

MERIDIAN SERVICE METROPOLITAN DISTRICT
C/O GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

SW 1/4 NW 1/4 Section 20

Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

1850 Ft. from North Section Line

250 Ft. from West Section Line

UTM COORDINATES (Meters, Zone:13,NAD83)

Easting:

Northing:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Orders of the Colorado Ground Water Commission dated March 26, 2001 and June 28, 2006, for Determination of Water Right No. 156-BD.
- 4) The pumping rate of this well shall not exceed 150 GPM.
- 5) The annual withdrawal of ground water from this well individually or in combination with other wells withdrawing from this allocation shall not exceed 1171 acre-feet, subject to the total annual withdrawal limitations and conditions as specified by the above referenced Order of the Commission.
- 6) The use of ground water from this well is limited to municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supplies. The place of use shall be limited to the 3627.19 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Denver aquifer. The top of the Denver aquifer is located approximately 550 feet below the ground surface. The bottom of the Denver aquifer is located approximately 1355 feet below the ground surface. Plain casing must be installed and grouted to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well in a conspicuous place with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Denver aquifer.
- 10) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 11) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 12) At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the well.

APPROVED
SMJ

State Engineer

Hal D. Simpson

[Signature]

By

Receipt No. 3603608

DATE ISSUED 06-29-2006

EXPIRATION DATE 06-29-2007

Laramie Fox Hills Wells

For: NO.
GWS-25OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

APPLICANT

WELL PERMIT NUMBER 056513

LIC

DIV. 8

WD 10

DES. BASIN 4

MD 12

LATIGO INVESTMENTS LP
% GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

NW 1/4 NW 1/4 Section 30
Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

150 Ft. from North Section Line

1100 Ft. from West Section Line

UTM COORDINATES

Northing:

Easting:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD.
The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 755 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 2205 feet below the ground surface and the base of the aquifer is located approximately 2480 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-1) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

A. COVERED
RAC

State Engineer

DATE ISSUED SEP 20 2001

By EXPIRATION DATE SEP 20 2002

Receipt No. 0477493E

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

LIC

WELL PERMIT NUMBER 056514 F
DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

LATIGO INVESTMENTS LP
% GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY
SW 1/4 NE 1/4 Section 30
Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

1750 Ft. from North Section Line
2480 Ft. from East Section Line

UTM COORDINATES

Northing: Easting:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD.
The maximum pumping rate of this well shall not exceed 150 GPM.
The annual withdrawal of ground water from this well shall not exceed 755 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 2145 feet below the ground surface and the base of the aquifer is located approximately 2415 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-2) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

DATE ISSUED

SEP 20 2001

By

EXPIRATION DATE

SEP 20 2002

Receipt No. 0477493C

Form No.

G-25

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

LIC

WELL PERMIT NUMBER

056515

F

DIV. 8

WD 10

DES. BASIN 4

MD 12

APPLICANT

LATIGO INVESTMENTS LP
% GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

SW 1/4 NW 1/4 Section 20

Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

1950 Ft. from North Section Line

200 Ft. from West Section Line

UTM COORDINATES

Northing:

Easting:

PERMIT TO CONSTRUCT A WELLCONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD.
The maximum pumping rate of this well shall not exceed 150 GPM.
- 3) The annual withdrawal of ground water from this well shall not exceed 755 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 2190 feet below the ground surface and the base of the aquifer is located approximately 2455 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-3) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

Receipt No. 0477493A

DATE ISSUED **SEP 20 2001**

By

EXPIRATION DATE

SEP 20 2002

Form No.
GWS-25

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

LIC

WELL PERMIT NUMBER 59678 -F-
DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

LATIGO INVESTMENTS, LP
C/O GTL, INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 NW 1/4 Section 19
Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

300 Ft. from North Section Line
350 Ft. from West Section Line

UTM COORDINATES

Northing: Easting:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 755 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 2330 feet below the ground surface and the base of the aquifer is located approximately 2600 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-4) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer

DATE ISSUED 05-30-2003

By

EXPIRATION DATE 05-30-2004

Receipt No. 0498484C



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

SW 1/4 SW 1/4 Section 20 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 535795.0 Northing: 4315174.0

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission for Determination of Water Right No. 154-BD dated March 25, 2001, June 28, 2006 and October 23, 2014.
- 4) The pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Laramie-Fox Hills aquifer and operating pursuant to Determination of Water Right No. 154-BD may not exceed 755 acre-feet, subject to the conditions of Determination of Water Right No. 154-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 6) The total amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Laramie-Fox Hills aquifer and operating pursuant to Determination of Water Right No. 154-BD may not exceed a volume of 75,500 acre-feet, subject to the conditions of Determination of Water Right No. 154-BD.
- 7) The use of ground water from this well is limited to municipal, central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies. The place of use shall be limited to the 2650 acre land area described in the Findings and Order dated March 26, 2001, 977.19 acre land area described in the Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan District as described in the Findings and Order dated October 23, 2014.
- 8) **CONDITION REVOKED ON 11/05/2020 REPLACED BY CONDITION #9.**
Production is limited to the Laramie-Fox Hills aquifer which is located approximately 2145 feet below ground surface and extends to a depth of approximately 2410 feet. In accordance with Rule 10.4.8 of the Water Well Construction Rules, plain steel casing must be installed and grouted from the top of the permitted production zone up to at least ten feet above the base of the surface casing, or to the depth required by Rule 10.5.2.1, if no surface casing is installed. (NOTE: If coals and/or carbonaceous shales are encountered in the borehole, plain casing and grout should be installed through these intervals to exclude poor quality water from entering the well.)
- 9) **CONDITION REVOKED ON 01/13/2021 REPLACED BY CONDITION #10.**
Production is limited to the Laramie-Fox Hills aquifer, which is located approximately 2145 feet below land surface and extends to a depth of 2410 feet. Total drilled depth must not exceed 2440 feet below ground surface to accommodate a sump/rathole at the bottom of the well. In the event a sand or siltstone unit is encountered in the interval below the base of the Laramie-Fox Hills aquifer, the sand/siltstone interval and intervening shale below the base of the Laramie-Fox Hills aquifer must be grouted in a manner sufficient to prevent communication between the Laramie-Fox Hills and Pierre aquifers. Plain casing must be installed and grouted to prevent the withdrawal of groundwater from other aquifers and the movement of groundwater between aquifers.

- 10) Production is limited to the Laramie-Fox Hills aquifer, which is located approximately 2130 feet below land surface and extends to a depth of 2410 feet. The well must be constructed in accordance with Rule 10.4.8 of the Water Well Construction Rules. Total drilled depth must not exceed 2440 feet below ground surface to accommodate a sump/rathole at the bottom of the well. In the event a sand or siltstone unit is encountered in the interval below the base of the Laramie-Fox Hills aquifer, the sand/siltstone interval and intervening shale below the base of the Laramie-Fox Hills aquifer must be grouted in a manner sufficient to prevent communication between the Laramie-Fox Hills and Pierre aquifers.
- 11) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 12) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 13) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 14) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 15) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 16) ADVANCE NOTICE REQUIRED - Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the the Division of Water Resource website.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well 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 designated ground water as authorized under this permit.



Issued By AILIS THYNE

Date Issued: 10/29/2020

Expiration Date: 10/29/2021

PERMIT HISTORY

11-05-2020 PERMIT AMENDMENT (CONDITIONS)



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

SE 1/4 NE 1/4 Section 29 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 536829.0 Northing: 4314274.0

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

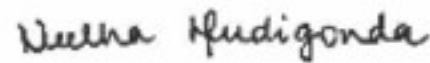
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD, and the Commission Orders dated June 28, 2006 and October 23, 2014, for change of water right for 154-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of water to be withdrawn from this well in combination with all other wells withdrawing water pursuant to Determination of Water Right no. 154-BD may not exceed 755 acre-feet.
- 6) The use of ground water from this well is limited to municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acres described in the Order of the Commission dated March 26, 2001; 977.16 acres described in the Order dated June 28, 2006; and the Woodmen Hills and Paint Brush Hills Metropolitan Districts as approved in the Order dated October 23, 2014.
- 7) **CONDITION REVOKED ON 09/26/2019 REPLACED BY CONDITION #8.**
Production is limited to the Laramie-Fox Hills aquifer which is located approximately 2035 feet below land surface and extends to a depth of approximately 2300 feet. In accordance with Rule 10.4.8 of the Water Well Construction Rules, plain steel casing must be installed and grouted from the top of the permitted production zone up to at least ten feet above the base of the surface casing, or to the depth required by Rule 10.5.2.1, if no surface casing is installed. (NOTE: If coals and/or carbonaceous shales are encountered in the borehole, plain casing and grout should be installed through these intervals to exclude poor quality water from entering the well.)
- 8) Production is limited to the Laramie-Fox Hills aquifer which is located approximately 2035 feet below land surface and extends to a depth of approximately 2300 feet. Total drilled depth must not exceed 2340 feet below ground surface to accommodate a sump/rathole at the bottom of the well. In the event a sand unit is encountered in the interval below the base of the Laramie-Fox Hills aquifer, the sand interval and intervening shale below the base of the Laramie-Fox Hills aquifer must be grouted in a manner sufficient to prevent communication between the Laramie-Fox Hills and Upper Pierre aquifers. Plain casing must be installed and grouted to prevent the withdrawal of ground water from other aquifers and the movement of ground water between aquifers.
- 9) The owner shall mark the well (designated LFH-6) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit, on the 2,650 acres of land described in the above described Order dated March 26, 2001. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.

- 11) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 12) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 13) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 14) Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the following webpage: <http://water.state.co.us/groundwater/BOE/Pages/VariancesWaivers.aspx>

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

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.



Date Issued: 12/10/2018

Expiration Date: 12/10/2019

Issued By NEELHA MUDIGONDA

PERMIT HISTORY

09-26-2019 PERMIT AMENDMENT (CONDITIONS)



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

NW 1/4 SW 1/4 Section 21 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 537312.8 Northing: 4315559.8

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission for Determination of Water Right No. 154-BD dated March 25, 2001, June 28, 2006 and October 23, 2014.
- 4) The pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Laramie-Fox Hills aquifer and operating pursuant to Determination of Water Right No. 154-BD may not exceed 755 acre-feet, subject to the conditions of Determination of Water Right No. 154-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 6) The total amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Laramie-Fox Hills aquifer and operating pursuant to Determination of Water Right No. 154-BD may not exceed a volume of 75,500 acre-feet, subject to the conditions of Determination of Water Right No. 154-BD.
- 7) The use of ground water from this well is limited to municipal, central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies. The place of use shall be limited to the 2650 acre land area described in the Findings and Order dated March 26, 2001, 977.19 acre land area described in the Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan District as described in the Findings and Order dated October 23, 2014.
- 8) Production is limited to the Laramie-Fox Hills aquifer which is located approximately 2090 feet below ground surface and extends to a depth of approximately 2355 feet. In accordance with Rule 10.4.8 of the Water Well Construction Rules, plain steel casing must be installed and grouted from the top of the permitted production zone up to at least ten feet above the base of the surface casing, or to the depth required by Rule 10.5.2.1, if no surface casing is installed. (NOTE: If coals and/or carbonaceous shales are encountered in the borehole, plain casing and grout should be installed through these intervals to exclude poor quality water from entering the well.)
- 9) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 11) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.

- 12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 13) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 14) ADVANCE NOTICE REQUIRED - Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the the Division of Water Resource website.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well 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 designated ground water as authorized under this permit.



Issued By AILIS THYNE

Date Issued: 7/30/2020

Expiration Date: 7/30/2021



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: N/A

NE 1/4 NW 1/4 Section 21 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 537770.4 Northing: 4316632.1

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission for Determination of Water Right No. 154-BD dated March 25, 2001, June 28, 2006 and October 23, 2014.
- 4) The pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Laramie-Fox Hills aquifer and operating pursuant to Determination of Water Right No. 154-BD may not exceed 755 acre-feet, subject to the conditions of Determination of Water Right No. 154-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 6) The total amount of groundwater that may be withdrawn by this well in combination with any other wells constructed in the Laramie-Fox Hills aquifer and operating pursuant to Determination of Water Right No. 154-BD may not exceed a volume of 75,500 acre-feet, subject to the conditions of Determination of Water Right No. 154-BD.
- 7) The use of ground water from this well is limited to municipal, central water system for domestic, irrigation, livestock watering, commercial purposes and replacement supplies. The place of use shall be limited to the 2650 acre land area described in the Findings and Order dated March 26, 2001, 977.19 acre land area described in the Findings and Order dated June 28, 2006, and additionally Woodmen Hills and Paint Brush Hills Metropolitan District as described in the Findings and Order dated October 23, 2014.
- 8) Production is limited to the Laramie-Fox Hills aquifer which is located approximately 2140 feet below ground surface and extends to a depth of approximately 2405 feet. In accordance with Rule 10.4.8 of the Water Well Construction Rules, plain steel casing must be installed and grouted from the top of the permitted production zone up to at least ten feet above the base of the surface casing, or to the depth required by Rule 10.5.2.1, if no surface casing is installed. (NOTE: If coals and/or carbonaceous shales are encountered in the borehole, plain casing and grout should be installed through these intervals to exclude poor quality water from entering the well.)
- 9) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 11) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.

- 12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 13) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 14) ADVANCE NOTICE REQUIRED - Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the the Division of Water Resource website.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well 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 designated ground water as authorized under this permit.



Issued By AILIS THYNE

Date Issued: 7/30/2020

Expiration Date: 7/30/2021

Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER	59679	-F-
DIV. 8	WD 10	DES. BASIN 4 MD 12

APPLICANTLATIGO INVESTMENTS, LP
C/O GTL, INC
PO BOX 80036
SAN DIEGO, CA 92138-

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

NE 1/4 SE 1/4 Section 30
Township 12 S Range 64 W Sixth P.M.DISTANCES FROM SECTION LINES1400 Ft. from South Section Line
330 Ft. from East Section LineUTM COORDINATES

Northing: Easting:

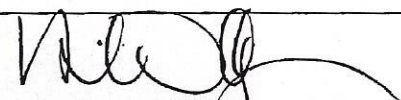
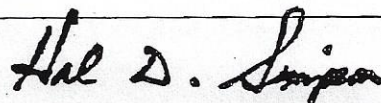
PERMIT TO CONSTRUCT A WELL**CONDITIONS OF APPROVAL**

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 755 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 23.e of the above described Order of the Commission.
- 6) The use of ground water from this well is limited to domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 2080 feet below the ground surface and the base of the aquifer is located approximately 2360 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-9) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

APPROVED
RAC

State Engineer



By

Receipt No. 0498484D

DATE ISSUED 05-30-2003

EXPIRATION DATE 05-30-2004

Latigo Trails – LFH

J. Patrick Kelly El Paso Cty, CO

04/02/2002 03:15

202052516

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Rec \$25.00 1 of 5



5

BARGAIN AND SALE DEED AND ASSIGNMENT

RMBG, LLC #1, d/b/a Latigo Trails, LLC, whose address is 5170 Mark Dabbling Blvd., Colorado Springs, CO 80918, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby sells and conveys to Meridian Service Metropolitan District, whose address is c/o R.S. Wells LLC, 6399 Fiddlers Green Circle, Suite 102, Greenwood Village, CO 80111, its successors and assigns, for its own use and benefit, the following property located in El Paso County, Colorado, to wit:

1. any and all interest and title in or to any and all water, ground water, water rights, ground water rights, rights to or to withdraw any water and ground water, water wells, water well permits, and water well equipment associated with or pursuant to those well permits issued by the Colorado State Engineer bearing permit number 46406-F and 17051-F, which wells and associated water rights are associated with that property described on Exhibit A attached hereto and incorporated by this reference;

2. Tract A, in The Trails Filing No. 2, El Paso County, Colorado, according to the plat thereof recorded in Plat Book D-4 at page 96; and

3. Tract A, in Latigo Country Estates Filing No. 1, El Paso County, Colorado, according to the plat thereof recorded in Plat Book D-3 at page 5,

together with all appurtenances, and assigns to Grantee Colorado State Engineer Well Permit Numbers 46406-F and 17051-F;

except that RMBG, LLC #1 is not hereby conveying that well casing associated with Well 46406-F, which casing is owned by and will be conveyed by a third party.

Signed this 15 day of March, 2002.

RMBG, LLC #1, d/b/a Latigo Trails, LLC

By: W^m L Mills

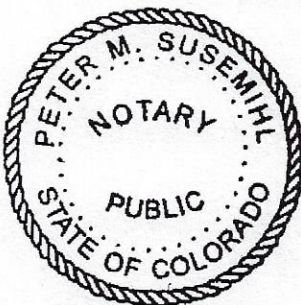
J. Patrick Kelly El Paso Cty, CO
 04/02/2002 03:15 202052516
 Doc \$0.00 Page
 Rec \$25.00 2 of 5

State of Colorado)
) ss.
 County of El Paso)

The foregoing Bargain and Sale Deed and Assignment was acknowledged
 before me this 15 day of March 2002 by Mr. L. Miller
 as Manager of RMBG, LLC #1, d/b/a Latigo Trails, LLC.

Witness my hand and official seal.

My commission expires: 11/2/05



[Signature]
 Notary Public
 address:

-5-59

DIVISION OF WATER RESOURCES, DEPARTMENT OF NATURAL RESOURCES
101 Colorado Bldg., 1845 Sherman Street, Denver, Colorado 80203

APPLICATION FOR: ☒ A PERMIT TO USE GROUND WATER
☒ A PERMIT TO CONSTRUCT A WELL
☐ REPLACEMENT FOR NO. _____
☒ A PERMIT TO INSTALL A PUMP
☐ OTHER

PRINT OR TYPE

LOCATION OF WELL

APPLICANT LATIGO RanchCOUNTY El PasoStreet Address 310 W. Stern Federal BuildingSE 1/4, of the SW 1/4, sec. 7City & State Colorado Springs, Colo. 80902T. 12 S, R. 64 W, 6th P.M.Use of ground water Industrial

Street or

Owner of land on which well

Lot & Block ---is located LATIGO Ranch

City or

Owner of irrigated

Subdiv. ---Filing ---

land

Ground Water Basin Black Squirrel Creek

Number of acres

Water Management

to be irrigated

District ---

Legal description of

irrigated land

LOCATE WELL ON THE BACK OF THIS SHEET

Other water rights on
this landDriller LicensedNo. ---

Aquifer (s) ground water is to be obtained

Driller's

from Dawson

Address

Latigo Ranch by Jim S. Smith
 Signature of Applicant

CONDITIONS OF APPROVAL

Storage capacity unknown AFANTICIPATED PUMPING RATE 300 GPM

AVERAGE ANNUAL AMOUNT OF GROUND WATER TO

BE APPROPRIATED 400 Acre-feet

ESTIMATED WELL DATA

Anticipated start of drilling Jan. 1972Anticipated start of use March 1972

Hole Diameter:

12 in. from 0 ft. to 500 ft.
10 in. from 500 ft. to 2500 ft.

Casing:

Plain 10 in. from 0 ft. to 500 ft.
--- in. from --- ft. to --- ft.

Perf. 8 in. from 500 ft. to 2500 ft.
--- in. from --- ft. to --- ft.

ESTIMATED PUMP DATA

Type Turbine HP 70 Outlet
 Size 5"

APPLICATION MUST BE COMPLETED SATISFACTORILY BEFORE ACCEPTANCE

THE ISSUANCE OF THIS PERMIT IS CONDITIONAL ON
 MEASUREMENT OF ANNUAL GROUND WATER WITHDRAWAL
 BY A METHOD AND PROCEDURE SATISFACTORY TO THE
 GROUND WATER COMMISSION UNDER EXISTING POLICY.
 UNPERFORATED CASING MUST BE CEMENT SOLID TO A
 DEPTH OF 500 FEET. Sam 3-13-72
 EXPIRATION DATE EXTENDED TO MARCH 21, 19

Sam 28-72

J. Patrick Kelly El Paso Cty, CO

04/02/2002 03:15

202052516

Doc \$0.00 Page

Rec \$25.00 3 of 5

APPLICATION APPROVED:

VALID FOR ONE (1) YEAR AFTER DATE ISSUED
 UNLESS EXTENDED FOR GOOD CAUSE SHOWN TO
 THE ISSUING AGENCY

PERMIT NO. 017051-F CONDITIONAL ☐DATE ISSUED MAR 21 1973

STATE ENGINEER

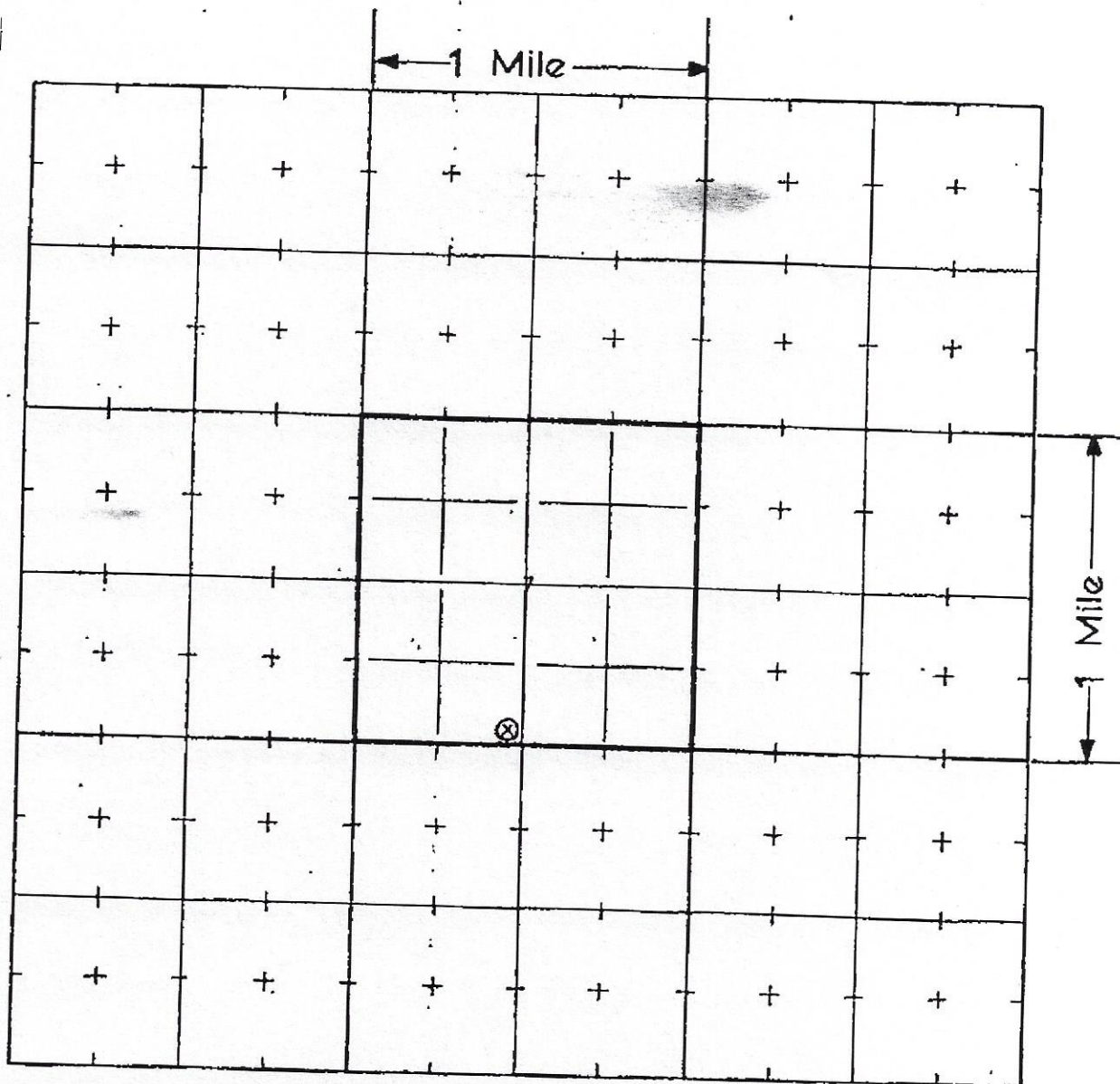
BY [Signature]

THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW WITH REFERENCE TO SECTION LINES OR GOVERNMENT SURVEY CORNERS OR MONUMENTS.

400 feet from South (North or South) section line
 2400 feet from West (East or West) section line

IF WELL IS FOR IRRIGATION, THE AREA TO BE IRRIGATED MUST BE SHADED OR CROSS-HATCHED.

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



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

J. Patrick Kelly El Paso Cty, CO
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 Page 4 of 5

Z

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

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

LIC

APPLICANT

WELL PERMIT NUMBER **046406** - F -
DIV. 8 CNTY. 21 WD 10 DES. BASIN 4 MD 12

Lot: Block: Filing: Subdiv:

TRAILS LTD/ PAINT BRUSH HILLS METRO
3730 SINTON RD STE 250
COLO SPRINGS CO 80907-

(719)473-8600

APPROVED WELL LOCATION
EL PASO COUNTY

NW 1/4 SW 1/4 Section 17
Twp 12 S RANGE 64 W 6th P.M.

DISTANCES FROM SECTION LINES

2220 Ft. from South Section Line
660 Ft. from West Section Line

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Sections 37-90-107 and 37-90-111(5), C.R.S., and the findings of the Colorado Ground Water Commission dated **April 4, 1996**.
- 4) The maximum pumping rate shall not exceed 200 GPM.
- 5) The annual appropriation shall not exceed 436 acre-feet.
- 6) The use of ground water from the well shall be limited to the following: Municipal use within the service area of Paint Brush Hills Metropolitan District, replacement water to replace depletions to the alluvial aquifer attributable to pumping of individual residential wells within The Trails, Filings 2, 3 and 4, subdivisions, and as a source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.
- 7) The well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of the Laramie-Fox Hills aquifer is located approximately 2300 feet below the ground surface. The bottom of the Laramie Fox Hills aquifer is located approximately 2560 feet below the ground surface. Plain casing must be installed and sealed to prevent diversion of water from other aquifers and the movement of water between aquifers.
- 8) This well shall be constructed within 200 feet of the location specified on this permit, and shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 9) The entire length of the hole shall be geophysically logged according to the attached instructions prior to installing the casing.
- 10) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Ground Water Management District and the Ground Water Commission upon request.
- 11) The well owner shall return at least two percent (2%) of the water withdrawn annually from this well to the uppermost aquifer in the vicinity of the well.
- 12) The owner shall mark this well in a conspicuous place with the permit number and the name of the aquifer. He shall take necessary means and precautions to preserve these markings.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines. RAC 4-3-96

APPROVED
RAC

State Engineer

Receipt No. 0393610

DATE ISSUED **APR 11 1996**

By **P. D. [Signature]**
EXPIRATION DATE **APR 11 1997**

**COLORADO GROUND WATER COMMISSION
AMENDMENT TO FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WELL WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES, PLACE OF USE, AND ANNUAL APPROPRIATION OF GROUND WATER - FOR WELL PERMIT NO. 46406-F

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

Paragraph numbers 5b. and 13a. of the Colorado Ground Water Commission's (hereinafter "Commission") Findings and Order of August 7, 2006, for a Change of Well Water Right for Well Permit No. 46406-F, are hereby amended as follows.

FINDINGS

5. b. The applicant has also requested to change the allowed beneficial uses to include municipal use of the water on both the 1586-acre overlying land area and the 2650-acre additional place of use area and to include replacement purposes (to allow additional replacement plans to use this source of replacement water).

ORDER

13. a. The allocated average annual amount of ground water to be withdrawn from the aquifer by this well together with any additional wells shall not exceed the following:
- 453 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for municipal purposes and as a water source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system shall only occur within the above-described 1586-acre land area and will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.
 - 10 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for replacement supply.

The above paragraphs are hereby amended to reflect the intent of applications submitted on March 22 and July 14, 2005. All other terms and conditions in the above-referenced Findings and Order shall remain in full force and effect.

Applicant: Meridian Service Metropolitan District
Aquifer: Laramie-Fox Hills
Permit No.: 46406-F

Page 2

Dated this 2nd day of May, 2007.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst

Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

REC'D AUG 21 2006

MERIDIAN SERVICE METROPOLITAN DISTRICT

Telephone No. (619) 223-1663
Fax No. (619) 223-2865

Kenyon Street, Suite #200
San Diego, CA 92110

Mailing Address
P.O. Box 80036
San Diego, CA 92138

August 14, 2006

Mr. George Hess
Vantage Home Corporation
6215 Corporate Dr., 2nd Floor
Colorado Springs, CO 80919

RE: THE TRAILS LARAMIE-FOX HILLS AQUIFER

Dear George:

Enclosed please find a copy of the Findings and Order from the Colorado Ground Water Commission allowing The Trails Laramie-Fox Hills Well water use for the Meridian Service Metropolitan District, ("MSMD"), and the Trails.

As per the Memorandum of Water Service Agreement dated February 14, 2002, MSMD is to reimburse Latigo Trails, LLC in the amount of \$2,500.00 per water tap that has already been paid by same. Please check your records and submit a request for reimbursement for the amount of water service paid for. This bill should be submitted to MSMD, c/o R. S. Wells, 6399 S. Fiddlers' Green Circle, Suite #102, Greenwood Village, CO 80111, Attn: Wayne Monson, telephone (303) 779-4525.

This has been a long time coming and we certainly appreciate your help and cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

MERIDIAN SERVICE
METROPOLITAN DISTRICT



By: Douglas E. Woods
Tech Contractors, Construction Manager

DEW:ph
Encl.
CO SPRINGS\MSMD LATIGO TRAILS

cc: Tim Hunker, MSMD
Wayne Monson, R.S. Wells

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

REC'D AUG 14 2006

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WELL WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES, PLACE OF USE, AND ANNUAL APPROPRIATION OF GROUND WATER - FOR WELL PERMIT NO. 46406-F

APPLICANT: MERIDIAN SERVICE METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Meridian Service Metropolitan District (hereinafter "applicant") submitted an application for a change of well water right to change the allowed beneficial uses, place of use, and annual appropriation of ground water for Well Permit No. 46406-F. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. On April 11, 1996, the Commission issued Permit No. 46406-F to The Trails, Ltd., and Paint Brush Hills Metropolitan District to construct a well to be located in the SE1/4 of the SE1/4 of Section 35, Township 13 South, Range 63 West of the 6th Principal Meridian and to appropriate and withdraw ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying a 1586 acre land area, referred to as The Trails Subdivision and generally described as land in the E1/2 of the E1/2 of Section 7, excluding any areas platted into Latigo Country Estates Filings 1, 2 and 3, land in Section 8, excluding any areas platted into Latigo Country Estates Filings 2 and 3 and excluding any areas platted into the replat of lots 42 through 48 inclusive in Latigo Country Estates Filing 2, land in the S1/2 of the NW1/4 and in the SW1/4 of Section 9, excluding any areas platted into the replat of lots 42 through 48 inclusive in Latigo Country Estates Filing 2, land in that part of Section 16 lying west of Eastonville Road and all of the land in Section 17, all in Township 12 South, Range 64 West of the 6th Principal Meridian, in El Paso County. A completion report for the well, filed on August 22, 1996, claims that the well was constructed timely to withdraw ground water from the Laramie-Fox Hills aquifer.
2. Permit No. 46406-F was issued pursuant to Sections 37-90-107 and 37-90-111(5), CRS, and the Findings of the Commission dated April 4, 1996.
3. In accordance with the above Findings:
 - a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 463 acre-feet.
 - b. The place of use for this allocation of ground water is the above-described 1586-acre overlying land area, and within the service area of Paint Brush Hills Metropolitan District.

c. The allowed intended beneficial uses for this allocation are: municipal use within the service area of Paintbrush Hills Metropolitan District, replacement water to replace depletions to the alluvial aquifer attributable to pumping of individual residential wells within The Trails Subdivision Filings 2, 3 and 4, and as a water source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system will occur within the above described 1586-acre land area and will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.

4. Pursuant to Section 37-90-108(3)(a)(II), C.R.S., the Commission staff finds that the well is in compliance with statute requirements and permit conditions of approval, and therefore, the subject well permit shall be considered a final determination of the well water right, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
5. By an application for change of well water right received complete by the Commission on March 22, 2005, the applicant has requested the following changes:
 - a. The applicant has requested to change the place of use to 4236 acres generally described as follows:
 - the above-described 1586-acre overlying land area known as The Trails subdivision;
 - and an additional 2650-acre area within the Meridian Service Metropolitan District generally described as all of Section 19, all of Section 20, that part of the W½ of Section 21 lying west of Eastonville Road, that part of the NW¼ of Section 28 lying west of Eastonville Road, that part of Section 29 lying west of Eastonville Road, and all of Section 30, all in Township 12 South, Range 64 West of the 6th P.M.;

This change would remove the 1440-acre Paint Brush Hills Metropolitan District service area as a place of use.

- b. The applicant has also requested to change the allowed beneficial uses to include municipal use of the water on both the 1586-acre overlying land area and the 2650-acre additional place of use area.
6. By a separate application for change of well water right received complete by the Commission on July 14, 2005, the applicant has requested to change the annual amount to be withdrawn to no more than 453 acre-feet per year for municipal and commercial purposes and no more than 10 acre-feet per year for replacement supply.
7. Records available in this office show that the ground water appropriation from the well with Permit No. 46406-F is not required by Paint Brush Hills Metropolitan District to fulfill any existing water supply obligations.

8. The above-described 1586-acre overlying land area and 2650-acre additional place of use area are 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 (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.
9. On November 28, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.
10. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on December 8 & 15, 2005.
11.
 - a. On January 10, 2006, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 06-GW-04. No other objection to the proposed determination of water right was received within the time limit set by statute.
 - b. On May 15, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.
 - c. On May 15, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.
 - d. By Order of the Commission Hearing Officer dated May 16, 2006, Case No. 06-GW-04 was dismissed.
12. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of well water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of well water right to change the allowed beneficial uses, place of use, and annual appropriation of ground water for Well Permit No. 46406- F is approved, subject to the following conditions:

13. The use of ground water shall be limited as follows:
 - a. The allocated average annual amount of ground water to be withdrawn from the aquifer by this well together with any additional wells shall not exceed the following:

Applicant: Meridian Service Metropolitan District
Aquifer: Laramie-Fox Hills
Permit No.: 46406-F

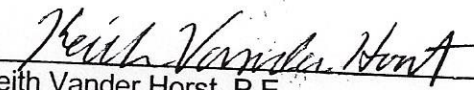
Page 4

- 453 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for municipal purposes and as a water source for a central water supply system for residential and commercial uses. Residential and commercial uses for the proposed central water supply system shall only occur within the above-described 1586-acre land area and will include the irrigation of landscape areas and residential lawns and gardens and the watering of domestic animals or livestock.
 - 10 acre-feet per year out of the 463 acre-feet of maximum annual amount of water to be diverted for replacement of depletions to the alluvial aquifer attributable to pumping of individual residential wells within the Trails Subdivision Filings 2, 3, and 4.
 - b. The place of use of ground water shall be limited to the above-described 1586-acre overlying land area known as The Trails subdivision and the above-described 2650-acre additional place of use area within the Meridian Service Metropolitan District.
14. The Commission's Findings of April 4, 1996, and conditions of approval for the well permit issued April 11, 1996, for Permit No. 46406-F, are hereby amended to incorporate the above changes. All other terms and conditions in the original Findings and permit for Permit No. 46406-F shall remain in full force and effect.

Dated this 7th day of August, 2006.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

BEFORE THE COLORADO GROUND WATER COMMISSION

Case No. 88-GW-03

AMENDED APPLICATION OF
JERRY SMITH FOR APPROVAL
OF WATER SUPPLY FOR THE
TRAILS DEVELOPMENT

THE TRAILS FILINGS NO. 2
(57 LOTS), No. 3 and
No. 4 (14 LOTS)

RECEIVED

MAY 16 1989

STIPULATION

COMES NOW The Trails, Ltd., a Colorado limited partnership, hereinafter referred to as "Trails," the Upper Black Squirrel Creek Management District, hereinafter referred to as the "District," Paint Brush Hills Metropolitan District, hereinafter referred to as "Paint Brush," and the Colorado Ground Water Commission, hereinafter referred to as the "Commission," and stipulate and agree as follows, to wit:

1. The Trails, Ltd., is the owner of the Trails Subdivision and all the ground water underlying the subdivision, and as such is hereby substituted as Applicant for Jerry Smith.

2. An amended application was filed seeking approval of a water supply for The Trails Filing No. 2, consisting of 106 lots and 14 lots in Filings No. 3 and 4. Trails stipulates that it shall not develop, based on this replacement plan, more than 57 lots in Filing No. 2 and 14 lots in Filings No. 3 and 4, for a total of 71 lots. All of the said lots are more particularly described as follows:

a. The Trails Filing No. 2, El Paso County, Colorado, comprised of 57 lots being Lots 1-7, 34, 35, 44-68, and 84-106.

b. The Trails Filing No. 3, El Paso County, Colorado comprised of Lots 1-10.

c. The Trails Filing No. 4, El Paso County, Colorado comprised of Lots 1-4.

3. The plat for the 57 lots in Filing No. 2 was approved by El Paso County. The plat seeking approval for the 14 lots in Filings No. 3 and 4 was submitted to the County. Each lot consists of a two and one-half acre tract located near the headwaters of Black Squirrel Creek in El Paso County, State of Colorado.

4. After a preliminary evaluation, a determination that the replacement plan could be given favorable consideration

under existing policies was made on April 29, 1988 by the staff of the Commission. The replacement plan was published in a newspaper having county-wide circulation in El Paso County. The Commission has jurisdiction over the application and Applicant, the Objector, and other persons and water users who have notice of the application, whether appearing or not. The District is the only objector, and the time has expired for others to object.

5. Paint Brush, by separate agreement, has agreed to monitor, administer and regulate this replacement plan. A copy of that agreement is attached hereto as Exhibit A and incorporated herein as part of this Stipulation.

6. The parties agree that the following limitations and restrictions apply to the water supply for the 71 lots covered by this replacement plan:

a. Each lot may construct a domestic well completed in the Dawson aquifer with a maximum pumping capacity of 15 gallons per minute.

b. Total diversions from each well shall not exceed 0.5 acre-foot per year.

c. Each lot shall be limited to the irrigation of no more than 3,000 square feet.

d. Each lot owner will be entitled to maintain on his or her lot up to four horses.

e. Each well shall be equipped with a totalizing flow meter and shall be maintained in good operating condition by each individual lot owner.

f. The plats and approved covenants require that lot owners construct duly approved nonevaporative septic tank and leachfield domestic effluent systems.

g. Return flows from the use of water by the lot owners have been determined by the Commission staff to return to the uppermost formation.

7. Trails shall convey the following water, water rights and facilities to Paint Brush as consideration for administration and management of this replacement plan, to wit:

a. The well with Permit No. 17051-F permitted for 22.5 acre-feet which is completed in both the Dawson and Denver aquifers.

b. Dawson Well No. 17665-F permitted for 144 acre-feet per year.

c. The wells with Permit Nos. 17051-F and 17665-F shall be equipped with totalizing flow meters, which wells and meters shall be properly maintained and operated in compliance with the terms of the permits.

d. Not nontributary and nontributary ground water underlying Section 16, west of Eastonville Road which comprises approximately 284 acres which ground water is not a part of the replacement water under this plan and which is described as follows:

- | | |
|---|------------------------------|
| 1) Denver aquifer
(not nontributary): | 126 acre-feet per year |
| 2) Arapahoe aquifer
(nontributary): | 89 acre-feet per year |
| 3) Laramie-Fox Hills aquifer
(nontributary): | <u>81</u> acre-feet per year |
| | 296 acre-feet |

8. Paint Brush stipulates and agrees that adequate consideration has been conveyed and assumes the responsibilities of monitoring, administering, reporting and managing water development and use of water for the 71 lots covered by this plan. In particular, Paint Brush agrees to the following regulatory plan of replacement:

a. Periodically (and no less than annually) inspect and read the individual domestic well meters and the Denver and Dawson well meters.

b. Maintain adequate records of pumping from all wells described in this Stipulation, maintain an accurate count of the number of wells drilled pursuant to this Stipulation and conduct periodic inspection of the residential lots to assure compliance with the requirements of paragraph 6(c) and (d) hereof.

c. Provide to the District and the Commission annually by February 15th of each year an annual report for the previous calendar year giving the following information:

1. For each individual on-lot well, the name and address of said lot owner, the lot and Trails subdivision filing number, the amount of water pumped from said well, and a report on compliance with subparagraphs 6(a)-(f) herein.

2. The amount of replacement water discharged from the well with Permit No. 17051-F into Black Squirrel Creek.

3. The total withdrawal of the wells with Permit Nos. 17051-F and 17665-F.

d. Well No. 17051-F under current interpretation of the Commission is dual completed. The well intercepts the Dawson aquifer (37%) and the Denver aquifer (63%). Trails and Paint Brush shall be permitted to use this well as a nontributary source for up to 14.2 acre-feet per year. Paint Brush may use the remaining permitted quantity of 8.3 acre-feet for other permitted purposes not associated with this replacement plan. When 36 wells are constructed and water applied to beneficial use, Trails shall notify in writing, Paint Brush, the District and the Commission. Paint Brush shall have the burden of proof to prove there is no material injury to water rights or unreasonable impairment of water quality in the Upper Black Squirrel Creek Management District by the operation of the replacement plan.

e. Operate Well No. 17051-F pursuant to the terms and conditions of paragraph 8 such that commencing as soon as practicable after March 1 of each and every year, this well will pump and discharge to Black Squirrel Creek at a point legally described as 800 feet west of the east section line and 400 feet north of the south section line of Section 7, Township 12 South, Range 64 West of the 6th P.M., a specified quantity of water based upon the following formula:

1) The formula for the 57 lots in the Trails Filing No. 2 is as follows:

- ° number of wells constructed on December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.20 = replacement water supply; and

2) The formula for the 14 lots in the Trails Filings No. 3 and 4 is as follows:

- ° number of wells constructed on December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.28 = replacement water supply.

f. Paint Brush shall pump and discharge water from this well at a rate not to exceed 14.5 gallons per minute. By releasing water at an optimal rate, the parties agree

and stipulate that losses of water to non-beneficial uses will be minimized. All discharge to Black Squirrel Creek from the well with Permit No. 17051-F, shall be metered separately from the total production of that well.

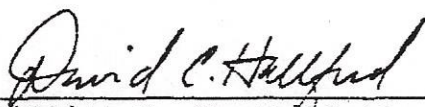
g. Paint Brush shall report in writing to the District and the Commission, beginning on November 1, 1990 and each year thereafter, the amount of water discharged into Black Squirrel Creek since March 1st of that calendar year.

9. The parties agree and stipulate that in the event this replacement water is not discharged into Black Squirrel Creek during any particular year the domestic wells will be allowed to continue pumping for that year but shall not pump any following year unless the replacement waters are discharged to Black Squirrel Creek, including any deficit for prior year shortages. There shall be no curtailment of pumping of domestic wells without providing notice to Paint Brush and providing Paint Brush a reasonable period of time to correct the deficiency. Any new replacement water source must be approved by all parties.

10. The Commission retains jurisdiction over the replacement plan described in this Stipulation and may, upon its own motion or upon written request of the District, revoke or modify its approval of this Stipulation in the event monitoring or operating experience demonstrates further impairment or material injury to water rights or unreasonable impairment of water quality. No such modification or revocation shall occur without notice to Trails and Paint Brush and prior hearing before the Commission.

11. This Stipulation shall be recorded in the office of the El Paso County Clerk and Recorder and shall constitute a covenant running with the real property described in Paragraph 2 herein.

SAUNDERS, SNYDER, ROSS
& DICKSON, P.C.

By 
William B. Tourtellott, Jr., #184
David C. Hallford, #10510
707 17th Street, Suite 3500
Denver, Colorado 80202
(303) 292-6600

ATTORNEYS FOR THE TRAILS, LTD.
and JERRY SMITH

PETROCK & FENDEL

By _____

J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

ATTORNEYS FOR UPPER BLACK SQUIRREL
MANAGEMENT DISTRICT

P. J. ANDERSON

By  _____

P. J. Anderson, #6309
10 East Costilla
Colorado Springs, Colorado 80903
(719) 633-4873

ATTORNEY FOR PAINT BRUSH HILLS
METROPOLITAN DISTRICT

DUANE WOODWARD, ATTORNEY GENERAL

By  _____

David F. Steinhoff, #9980
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 3rd Floor
Denver, Colorado 80203
(303) 866-3611

ATTORNEYS FOR THE COLORADO GROUND
WATER COMMISSION

PETROCK & FENDEL

By 

J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

ATTORNEYS FOR UPPER BLACK SQUIRREL
MANAGEMENT DISTRICT

P. J. ANDERSON

By _____

P. J. Anderson, #6309
10 East Costilla
Colorado Springs, Colorado 80903
(719) 633-4873

ATTORNEY FOR PAINT BRUSH HILLS
METROPOLITAN DISTRICT

DUANE WOODWARD, ATTORNEY GENERAL

By _____

David F. Steinhoff, #9980
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 3rd Floor
Denver, Colorado 80203
(303) 866-3611

ATTORNEYS FOR THE COLORADO GROUND
WATER COMMISSION

EXHIBIT A

AGREEMENT

THIS AGREEMENT entered into this 15th day of May, 1989, between The Trails, Ltd., a Colorado limited partnership hereinafter referred to as "Trails," and Paint Brush Hills Metropolitan District, hereinafter referred to as "Paint Brush," to wit:

1. The purpose of this Agreement is to provide an operational agreement to be managed by Paint Brush which provides regulatory services and replacement water to cover the depletions associated with the pumping of water by 71 wells from the Dawson Arkose aquifer. By separate Stipulation, Trails, Paint Brush, Upper Black Squirrel Creek Management District ("District") and the Colorado Ground Water Commission ("Commission") agreed to regulatory terms and conditions. Said Stipulation is by reference incorporated herein and made a part of this Agreement.

2. Trails, as owner of the Trails Subdivision, has platted and received approval from El Paso County to develop 57 lots in Filing No. 2, and he has submitted for approval a plat covering 14 lots north of Black Squirrel Creek known as Filings No. 3 and No. 4, all of which are subject to the Stipulation.

3. Covenants and restrictions have been imposed by Trails against the use of water by the lot owners. Also, the State Engineer of the Division of Water Resources of the State of Colorado, has imposed certain limitations on the use of water as a part of the conditions of approval set forth on each of the Dawson domestic well permits. The covenants and restrictions which are material to the management and regulation of domestic water use are:

a. Irrigation of no more than 3,000 square feet of lawns and gardens and the maintenance of up to four horses;

b. Each Dawson well will be limited as follows:

1) 15 gallons per minute;

2) 0.5 acre-feet (approximately 163,000 gallons) per year;

3) The well should be drilled such that it fully penetrates the Dawson aquifer on Lots 30 through 49 inclusive, and Lots 67 through 72 inclusive;

- 4) A totalizing flow meter must be installed such that the meter is readily accessible and easily monitored by Paint Brush and maintained in good operating condition by the individual lot owner;

c. All sanitary or septic facilities (a/k/a septic tank and leach field system) shall have prior approval of the City-County Health Department of El Paso County and all plans for the same shall be subject to approval by the architectural committee.

d. Reservation of water rights by Trails.

1) Subject to the rights of each owner to drill a water well for domestic purposes as hereinabove set forth, Trails reserves unto itself, its successors and assigns, all water rights appurtenant to the Property except as specifically set forth herein.

2) Trails is the owner of a municipal water well (State Permit #17663-F). In the event that said municipal well shall interfere with the domestic wells of the owners of Lots 30 through 49 inclusive, and Lots 67 through 72, inclusive, and provided that such lot owner has drilled and cased their domestic well to the bottom of the Dawson aquifer and such well is unable to produce 0.5 acre-feet annually, said lot owner shall be entitled to connect, at the sole cost of Trails (or its successor in interest) to said municipal well. This requirement shall then entitle a lot owner to receive up to 0.5 acre-feet annually at no cost to the lot owner and shall act as a lien upon municipal well 17663-F enforceable against the owner of said well. The State Engineer, or in the event that the State Engineer declines, a third party satisfactory to the parties, shall be the final arbiter as to the amount of water produced by those domestic wells within 1,000 feet of municipal well 17663-F. All connections shall be accomplished by the owner of said municipal well within one hundred twenty (120) days of a written notice being served upon said owner.

3) In order to supplement the total quantity of water available to the subdivision, Trails agrees to convey a twenty-five percent (25%) interest in the Denver aquifer underlying each lot to each lot purchaser. Individual lot owners may appropriate this water, but shall be used only for the uses described above in Paragraph 3(a) and (b).

4. Paint Brush agrees to manage the Trails regulatory plan of replacement by performing the following tasks and assignments:

a. Annually on or about December 31, Paint Brush will inventory the number of lots which have houses constructed thereon. Paint Brush will insert the number of wells in the following formula(s):

1) For wells constructed in Filings No. 2, the following formula shall be applied for number of wells covered by the replacement plan:

° Number of wells constructed multiplied by 0.5 acre-foot per year multiplied by 0.20 equals replacement water supply.

2) For wells constructed in Filings No. 3 and 4, the following formula shall be applied:

° Number of wells constructed multiplied by 0.5 acre-foot per year multiplied by 0.28 equals replacement water supply.

b. Annually on or before December 31, Paint Brush will read and record the quantity of water pumped through the existing well meters. If the quantity pumped by any domestic well for that year exceeds 0.5 acre-foot (163,000 gallons), Paint Brush shall notify the violator in writing with a copy to the Commission, the District, and the architectural committee of the Trails. Upon a second violation, Paint Brush shall notify the Commission and the District and request that the violator's well permit be summoned for an administrative hearing, for the violator to show cause why the permit should not be cancelled. Nothing herein shall limit the Commission or the District's power to take any other legal action which may be available to them upon a first or second violation or at any other time.

c. By February 15 of each and every year, Paint Brush shall send to the Commission and the District a copy of the annual report which describes:

1) Number of houses and wells constructed

2) Acre-foot (gallons) pumped by each well as measured at the meter

3) Approximate area of lawn and gardens irrigated by each well. A Dawson domestic well shall not irrigate more than 3,000 square feet per lot.

4) Number of horses per lot. Covenants restrict each lot owner to the maintenance of not more than four horses.

5) Quantity of replacement water discharged to Black Squirrel Creek as based on the application of the formulae described in paragraph 4a.

d. Annually beginning on March 1 Paint Brush shall pump and discharge to Black Squirrel Creek from Well Permit #17051-F at a continuous rate of flow, not to exceed the permitted flow of the replacement well, a sufficient quantity of water to replace the depletions calculated to be due based on the formulae contained in paragraph 4a.

5. Trails agrees as consideration for the services rendered by Paint Brush that it will convey water, facilities, water rights and easements to Paint Brush. Paint Brush represents that it has evaluated the consideration and agrees that the consideration is adequate to compensate Paint Brush for the provision of the regulatory services called for in this Agreement.

6. Trails, upon execution of this Agreement, shall transmit to Paint Brush deeds and easements substantially in the form of the attached exhibits for the following property interests:

a. Well, facilities and water rights appurtenant to Dawson/Denver aquifer Well Permit No. 17051-F, permitted for 22.5 acre-feet per year.

b. Well, facilities and water rights appurtenant to Dawson aquifer Well Permit No. 17665-F, permitted for 144 acre-feet per year.

c. All right, title and interest to the ground water underlying Section 16, T12S, R64W, of the 6th P.M., west of Eastonville Road, comprising approximately 284 acres, namely:

1) Denver aquifer: (not nontributary)	126 acre-feet per year
2) Arapahoe aquifer: (nontributary)	89 acre-feet per year
3) Laramie-Fox Hills aquifer: <u>81</u> acre-feet per year (nontributary)	
	296 acre-feet per year

d. Easements for well sites and ingress and egress to said sites, namely:

1) Well sites (50' x 50')

- ° Denver Well: to be surveyed.
- ° Arapahoe Well: to be surveyed.
- ° Laramie-Fox Hills Well: to be surveyed.

2) Permanent (ingress and egress) easements for the Denver, Arapahoe and Laramie-Fox Hills wells: to be surveyed.

7. Eight (8) acre-feet annually of Denver water out of the Dawson/Denver Well No. 17051-F is dedicated to the replacement plan. Paint Brush agrees to maintain and operate this well in good working order. Paint Brush agrees that if the Dawson/Denver well requires replacement it has received adequate consideration to construct and operate a new replacement well for the 71 lot owners. The remaining water available to the Denver well may be used in any way Paint Brush sees fit under the permit. The wells with Permit Nos. 17051-F and 17665-F shall each be equipped with a properly functioning totalizing flow meter and each shall be operated in compliance with its permit.

8. The parties agree that Trails may substitute some other Denver well as the replacement well for Well No. 17051-F provided the Ground Water Commission approves the substitution. If Trails substitutes a Denver well prior to the time Well No. 17051-F requires replacement, Trails shall construct at its expense the substitute well.

9. Trails makes no warranty that the quality of the Denver aquifer water is potable without treatment.

10. This Agreement may not be assigned without the prior written consent of the other party and the Commission, which consent shall not be unreasonably withheld with the exception that it may be assigned to a metropolitan district established by Trails.

11. It is the intention of the parties hereto that each lot owner shall be considered a third party beneficiary of the Trails.

12. This agreement and the obligations set forth herein shall be subject to specific enforcement by the parties. Ground

Water Commission, District, or any third party beneficiaries, including lot owners. If this agreement is not performed, this agreement may be enforced by injunction.

13. All notices required to be given hereunder shall be deemed given the earlier of the date of personal delivery or two days after deposit in the United States mail, postage prepaid, certified or registered mail, addressed as follows:

If to the District:

c/o P.J. Anderson
Attorney for the District
10 East Costilla
Colorado Springs, Colorado 80903

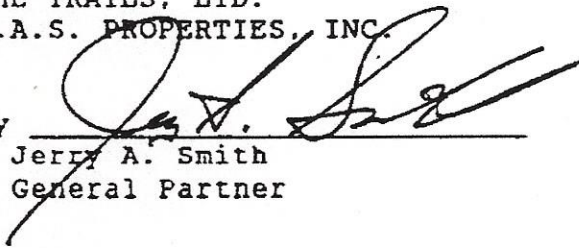
If to Trails:

c/o Jerry A. Smith
3730 Sinton Road, Suite 250
Colorado Springs, Colorado 80907

IN WITNESS WHEREOF, the parties have executed this Agreement this day and year first above written.

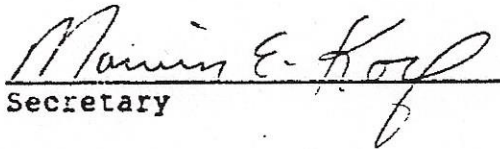
THE TRAILS, LTD.
J.A.S. PROPERTIES, INC.

By


Jerry A. Smith
General Partner

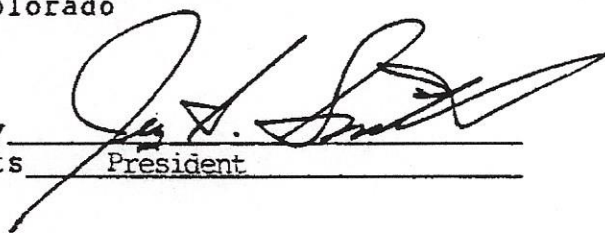
ATTEST:

PAINTBRUSH HILLS METROPOLITAN
DISTRICT, a quasi-municipal
corporation of the State of
Colorado

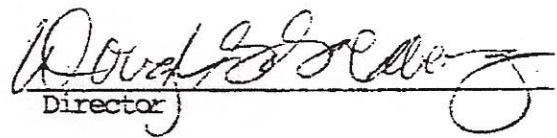

Secretary

By

Its


President


Director


Director

BEFORE THE COLORADO GROUNDWATER COMMISSION

Case Nos. 94GW06 and 88GW03

AMENDED APPLICATION OF
JERRY SMITH FOR APPROVAL
OF WATER SUPPLY FOR THE
TRAIL DEVELOPMENTS

THE TRAILS FILING NO. 2
(57 LOTS) AND FILINGS
NOS. 3 & 4 (14 LOTS)

**AMENDED STIPULATION AND AGREEMENT
FOR MODIFIED REPLACEMENT PLAN**

COME NOW The Trails, Ltd., a Colorado limited partnership (hereinafter referred to as "Trails"), the Upper Black Squirrel Creek Management District (hereinafter referred to as the "District"), Paint Brush Hills Metropolitan District (hereinafter referred to as "Paint Brush"), and the Colorado Ground Water Commission (hereinafter referred to as the "Commission") and amend the Stipulation and Agreement previously entered into by the parties as follows, to wit:

1. This Amended Stipulation and Agreement supersedes and replaces the original stipulation entered into by the parties in May 1989.
2. The original stipulation entered into by the parties in 1989 provided for the approval of 71 lots with individual Dawson Aquifer wells in Trails Filings Nos. 2, 3 and 4. Trails Filings Nos. 3 and 4 are unplatted. Depletions from Dawson wells to service the 14 lots in Filings Nos. 3 and 4 were based on Applicant's proposed plats submitted February 8, 1988. If the proposed plats are revised it may require a new determination of depletions. An Application for modification of the approved replacement plan was filed with the Colorado Ground Water Commission on May 24, 1994. It provides for Trails to replace from the well with Permit No. 17051-F (hereinafter Well 17051-F) located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th Principal Meridian, actual stream depletions caused by pumping Dawson wells for Trails Filing No. 2 Subdivision. The Trails Filing No. 2 Subdivision (hereinafter Trails Filing 2) is comprised of 57 lots being 1 through 7, 34, 35, 44 through 68 and 84 through 106. Well 17501-F is producing about 2370 gallons per day ("gpd") which is not adequate to replace all depletions based on the methodology of computing depletions under the original stipulation. On February 14, 1995, Trails submitted an amended proposal which provides for replacement water as agreed for in the original stipulation and the construction of Arapahoe Aquifer Well(s) as an additional replacement source to supplement Well 17051-F.
3. This Amended Stipulation and Agreement provides for replacement water for 71 individual wells in Trails Filings 2, 3 and 4. Modification of the original stipulation is approved based on agreement by all parties to the following considerations: Prior to the issuance of additional individual on-lot well permits, Trails shall complete at least one nontributary Arapahoe well as an additional replacement source to permanently replace the depletions associated with the pumping of Dawson wells in the Trails Filings 2, 3 and 4 and

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April 26, 1995

install, construct and place in operation all works and equipment necessary to deliver the replacement water from the subject nontributary Arapahoe well(s) to the alluvium of the Upper Black Squirrel Creek at the discharge point described in Paragraph 7.e. hereinafter.

4. After a preliminary evaluation, the modified replacement plan was published in the Gazette Telegraph on August 27 and September 1, 1994. The District is the only objector, and the time has expired for others to object. The Commission has jurisdiction over the approval or denial of the application.

5. The covenants for the Trails Filing 2 have been modified where applicable to reflect elements (a) through (i) below. Trails filings 3 and 4 are unplatted. Trails agrees to impose the same restrictions and covenants in Filings 3 and 4 as exist for Filing 2. The parties agree that contingent upon the availability of replacement water according to the requirements of this Stipulation in Paragraphs 3, 7 and 8, the following limitations and restrictions apply to the water supply for the 71 lots covered by this replacement plan:

a. Each lot may construct an individual on-lot well, for domestic purposes, to be completed in the Dawson aquifer. For the purpose of this agreement, domestic purposes include ordinary in-house uses, watering of lawn and garden (further limited below), and watering of non-commercial domestic animals (further limited below).

b. The well shall be limited to a maximum pumping rate of 15 gallons per minute.

c. Total diversions from each well shall not exceed 0.5 acre-foot per year, which is approximately 163,000 gallons per year.

d. Each lot shall be limited to the irrigation of no more than 3,000 square feet of lawn and garden.

e. Each lot owner will be entitled to maintain on his/her lot non-commercial domestic animals limited to a maximum of four horses, or other non-commercial domestic animals with an equivalent water requirement.

f. Each well shall be equipped with a totalizing flow meter and shall be maintained in good operating condition by each individual lot owner.

g. The plat and approved covenants require that lot owners construct duly approved non-evaporative septic tank and leach field domestic effluent systems with prior approval of the City and County Health Department of El Paso County.

h. Reservation of water rights by Trails.

(1) Subject to the rights of each owner to drill a water well for domestic purposes as hereinabove set forth, Trails has reserved unto itself, its successors and assigns, all water rights appurtenant to the Trails Filings 2, 3 and 4 except as specifically set forth herein.

(2) Trails is the owner of the municipal water well with Permit 17663-F (hereinafter Well 17663-F) located in the NW1/4 of the SW1/4 of Section 17, Township 12 South, Range 64 West of the 6th Principal Meridian. In the event that Well 17663-F interferes with the individual on-lot wells of the owners of Lots 34, 35, 44 through 49 inclusive, 67 and 68, and provided that such lot owner has drilled and cased their individual on-lot well to the bottom of the Dawson aquifer and such well is unable to produce 0.5 acre-feet annually, said lot owner shall be entitled to connect, at the sole cost of Trails (or its successor in interest) to Well 17663-F. This requirement shall then entitle a lot owner to receive up to 0.5 acre-feet annually at no cost to the lot owner and shall act as a lien upon Well 17663-F enforceable against the owner of said well. The State Engineer, or in the event that the State Engineer declines, a third party satisfactory to the parties shall be the final arbiter as to the amount of water produced by those individual on-lot wells within 1,000 feet of Well 17663-F. All connections shall be accomplished by the owner of Well 17663-F within one hundred twenty (120) days of a written notice being served upon said owner.

(3) In order to supplement the total quantity of water available to the subdivision, Trails agrees to convey a twenty-five percent (25) interest in the Denver aquifer underlying each lot to each lot purchaser. Individual lot owners may appropriate this water, but appropriation shall be used and the associated well operated in accordance with Paragraphs 5.b. through 5.g. above.

i. Return flows from the use of water by the lot owners have been determined by the Commission staff to return to the uppermost formation.

6. Trails avers that it has owned and conveyed the following water, water rights and facilities to Paint Brush as consideration for Paint Brush's administration and management of this amended replacement plan and the funding of monies required to drill, construct and complete at least one Arapahoe Aquifer Well to comply with this amended replacement plan, to wit:

a. Well, facilities and water rights appurtenant to Well 17051-F located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th

Principal Meridian, permitted for 22.5 acre-feet per year, said well being completed in both the Dawson and Denver aquifers.

b. Well, facilities and water rights appurtenant to Well Permit No. 17665-F (hereinafter Well 17665-F) located in the NE1/4 of the NW1/4 of Section 16, Township 12 South, Range 64 West of the 6th Principal Meridian, permitted for 144 acre-feet per year, said well being completed in the Dawson aquifer.

c. All right, title and interest to the ground water underlying Section 16, T12S, R64W, of the 6th P.M., west of Eastonville Road, comprising approximately 296 acres, namely

(1)	Denver aquifer:	126 acre-feet per year (not nontributary)
(2)	Arapahoe aquifer:	89 acre-feet per year (nontributary)
(3)	Laramie-Fox Hills aquifer:	81 acre-feet per year (nontributary)

TOTAL: 296 acre-feet per year

d. Easements for well sites and ingress and egress to said sites, namely:

(1) Well sites (50' x 50')

- Denver Well: to be surveyed
- Arapahoe Well: to be surveyed.
- Laramie-Fox Hills Well: to be surveyed.

(2) Permanent (ingress and egress) easements for the Denver, Arapahoe and Laramie-Fox Hills wells: to be surveyed.

(3) Surveys for well sites and easements shall be submitted to the parties at the time well permit applications are submitted to the Colorado Division of Water Resources or prior to platting of any land in Section 16.

7. Paint Brush represents that it has evaluated and received the consideration listed herein and agrees that the consideration is adequate to compensate Paint Brush for providing the monitoring, administration, regulatory services and funding called for in this modified stipulation. In particular, Paint Brush agrees to provide the following services:

a. Prior to use of Well 17051-F, Well 17665-F and the proposed Arapahoe Aquifer Well(s), Paint Brush will equip these wells with totalizing flow meters, which wells and meters shall be properly maintained and operated in compliance with the terms of the permits.

b. Paint Brush will maintain adequate records of pumping from Well 17051-F, Well 17665-F and the proposed Arapahoe Aquifer Well(s), maintain an accurate count of the number and date of completion of the individual on-lot wells drilled pursuant to this Stipulation and conduct periodic inspection of the residential lots to assure compliance with the requirements of Paragraphs 5.d. and 5.e. hereinabove.

c. Paint Brush will provide to the District and the Commission by February 15th of each year an annual report for the previous calendar year giving the following information.

(1) For each individual on-lot well in Trails Filing 2, 3 and 4 the name and address of said lot owner, the lot number, and a report on compliance with Paragraphs 5.d. and 5.e. hereinabove.

(2) The number of individual on-lot wells constructed in Trails Filing 2, 3 and 4 as of December 31st of each year.

(3) The amount of replacement water released in the prior pumping period (March 1 through December 1) to replace the previous year's computed depletions and the quantity of water required as determined in Paragraph 7.e. below for the next pumping period.

(4) The total withdrawal of Well 17051-F, Well 17665-F and the proposed Arapahoe Aquifer Well(s).

d. Well 17051-F under current interpretation of the Commission is dual completed. The well is completed thirty-seven percent (37%) in the Dawson aquifer and sixty-three percent (63%) in the Denver aquifer. Trails and Paint Brush shall be permitted to use this well as a nontributary source for up to 14.2 acre-feet per year for this replacement plan. Additionally, 7.7 acre-feet of water from the proposed

Arapahoe Aquifer Well(s) shall be dedicated to this modified replacement plan. Paint Brush agrees that if the Dawson/Denver well requires replacement, Paint Brush has received adequate consideration for this purpose and agrees to construct and operate a new replacement well for the 71 lot owners. Paint Brush may pump from Well 17501-F and the proposed Arapahoe Aquifer Well(s) the remaining permitted quantities for other permitted purposes not associated with this replacement plan so long as such pumping does not interfere with replacement obligations under this modified replacement plan.

e. Paint Brush will operate Well 17051-F and the proposed Arapahoe Aquifer Well(s) pursuant to the terms and conditions of paragraph 7 herein such that between March 1 and December 1 of each and every year, these wells will pump and discharge to Black Squirrel Creek at a point upstream of Eastonville Road, in Sections 7 or 8 of Township 12 South, Range 6 and West of the 6th P.M. for which point a survey shall be submitted by Paint Brush to the Commission within 30 days of commencement of discharge of replacement water, a specific quantity of replacement water based upon the following formula:

- (1) The number of individual on-lot wells existing in Trails Filing 2 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.20 = replacement water.
- (2) The number of individual on-lot wells in Trails Filings 3 and 4 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.28 = replacement water.

f. Paint Brush shall pump and discharge water from Well 17051-F and the proposed Arapahoe Aquifer Well(s) at rates not to exceed 14.5 gallons per minute for Well 17051-F and 50gpm for the Arapahoe Aquifer well(s). By releasing water at these rates between March 1 and December 1 of each year, the parties agree and stipulate that losses of water to non-beneficial uses will be minimized. All discharge to Black Squirrel Creek from Well 17051-F and the proposed Arapahoe Aquifer Well(s) shall be metered separately from the total production of that well.

g. During the first year after the construction and completion of the proposed Arapahoe Aquifer Well(s), Paint Brush shall pump and discharge to Black Squirrel Creek, at the point specified in paragraph 7.e. herein, that quantity of water which the Commission has determined to be owed to Black Squirrel Creek since May 1989 based on the formula described in paragraph 7.e. less actual discharges made by Paint Brush since 1989.

8. The parties agree and stipulate that in the event this replacement water is not discharged into Black Squirrel Creek during any particular year the individual on-lot wells will be allowed to continue pumping for that year but shall not pump in any following year, except as provided in this paragraph, unless the replacement waters are discharged to Black Squirrel Creek, including any deficit for prior year shortages. There shall be no curtailment of pumping of individual on-lot wells without providing notice to Paint Brush and providing Paint Brush a reasonable period of time, not to exceed one year from the date of notice, to correct the deficiency. Any new replacement water sources other than the Arapahoe Aquifer must be approved by all parties. When any substitute Arapahoe Aquifer Well is being used for replacement purposes its replacement use is restricted to the 71 lots in this plan. The Arapahoe Aquifer Well(s) in this plan may also be used for purposes other than replacement in accordance with the well permit(s).

9. The Commission retains jurisdiction over the replacement plan described in this Stipulation and may, upon its own motion or upon written request of the District, revoke or modify its approval of this Stipulation in the event monitoring or operating experience demonstrates further impairment or material injury to water rights or unreasonable impairment of water quality. No such modification or revocation shall occur without notice to Trails and Paint Brush and prior hearing before the Commission.

10. The monitoring, administration and regulation of the replacement plan may not be assigned without the prior written consent of all parties hereto, which consent shall not be unreasonably withheld.

11. It is the intention of the parties hereto that each lot owner shall be considered a third party beneficiary of the Trails.

12. This agreement and the obligations set forth herein shall be subject to specific enforcement by the parties or any third party beneficiaries. If this agreement is not performed, this agreement may be enforced by injunction of any party or third party beneficiary hereto.

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

April 26, 1995

13. This Stipulation shall be recorded by the applicant in the office of the El Paso County Clerk and Recorder and shall constitute a covenant running with Trails Filings 2, 3 and 4. Trails shall also provide that covenants shall be modified to coincide with this stipulation.

FOR THE APPLICANT:

FRIEDLOB SANDERSON RASKIN
PAULSON & TOURTILLOTT

By William B. Tourtillott, Jr.
William B. Tourtillott, Jr., #184
1400 Glenarm, Suite 300
Denver, Colorado 80202

4/26/95
Date

Attorneys for The Trails, Ltd. and
Jerry Smith

FOR THE UPPER BLACK SQUIRREL CREEK
GROUND WATER MANAGEMENT DISTRICT:

PETROCK & FENDEL

By J. J. Petrock
J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

5/3/95
Date

Attorney for the Upper Black Squirrel
Creek Ground Water Management District

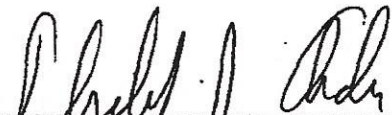
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Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

April 26, 1995

FOR THE PAINT BRUSH HILLS METROPOLITAN
DISTRICT:

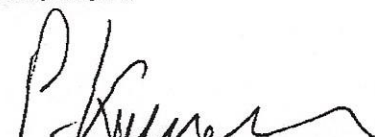
P. J. ANDERSON

By 
P. J. Anderson, #6309
10 East Costilla
Colorado Springs, Colorado 80903
(719) 633-4873

5/2/95
Date

Attorney for the Paint Brush Hills
Metropolitan District

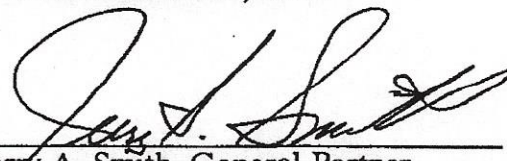
FOR THE COLORADO GROUND WATER
COMMISSION:

By 
Patrick E. Kowaleski, #9598
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
(303) 866-5129

5/5/95
Date

Attorney for the Colorado Ground
Water Commission

THE TRAILS, LTD.
J.A.S. PROPERTIES, INC.

By 
Jerry A. Smith, General Partner

May 2, 1995

1002AD6B

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

April 26, 1995

PAINT BRUSH HILLS METROPOLITAN
DISTRICT

By *Kenneth L. Lang*
Title: *Secretary*

1002AD6B

BEFORE THE COLORADO GROUNDWATER COMMISSION

Case Nos. 94GW06 and 88GW03

AMENDED APPLICATION OF
JERRY SMITH FOR APPROVAL
OF WATER SUPPLY FOR THE
TRAIL DEVELOPMENTS

THE TRAILS FILING NO. 2
(57 LOTS) AND FILINGS
NOS. 3 & 4 (14 LOTS)

RECEIVED

FEB 14 1996

SECOND AMENDED STIPULATION AND AGREEMENT
FOR MODIFIED REPLACEMENT PLAN

WATER RESOURCES
STATE ENGINEER
COLO.

COME NOW The Trials, Ltd., a Colorado limited partnership (hereinafter referred to as "Trails"), the Upper Black Squirrel Creek Management District (hereinafter referred to as the "District"), Paint Brush Hills Metropolitan District (hereinafter referred to as "Paint Brush"), and the Colorado Ground Water Commission (hereinafter referred to as the "Commission") and amend the Stipulation and Agreement previously entered into by the parties as follows, to wit:

1. This Second Amended Stipulation and Agreement supersedes and replaces the original stipulation and amendment thereto entered into by the parties in May 1989 and April 26, 1995, respectively.

2. The original stipulation entered into by the parties in 1989 provided for the approval of 71 lots with individual Dawson Aquifer wells in Trails Filings Nos. 2, 3 and 4. Trails Filings Nos. 3 and 4 are unplatted. Depletions from Dawson wells to service the 14 lots in Filings Nos. 3 and 4 were based on Applicant's proposed plats submitted February 8, 1988. If the proposed plats are revised it may require a new determination of depletions. An Application for modification of the approved replacement plan was filed with the Colorado Ground Water Commission on May 24, 1994. It provides for Trails to replace from the well with Permit No. 17051-F (hereinafter Well 17051-F) located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th Principal Meridian, actual stream depletions caused by pumping Dawson wells for Trails Filing No. 2 Subdivision. The Trails Filing No. 2 Subdivision (hereinafter Trails Filing 2) is comprised of 57 lots being 1 through 7, 34, 35, 44 through 68 and 84 through 106. Well 17501-F is producing about 2370 gallons per day ("gpd") which is not adequate to replace all depletions based on the methodology of computing depletions under the original stipulation. On February 14, 1995, Trails submitted an amended proposal which provides for replacement water as agreed for in the original stipulation and the construction of Arapahoe Aquifer Well(s) as an additional replacement source to supplement Well 17051-F.

3. The Amended Stipulation and Agreement entered into April 26, 1995 provides that "any new replacement water sources other than the Arapahoe Aquifer must be approved by all parties." (Paragraph 8 of the Amended Stipulation and Agreement.

February 7, 1996

4. The parties acknowledge that the geophysical log for the recently constructed Arapahoe Well under Permit No. 45307-F shows that the Arapahoe sands are so limited that the sands will not produce water adequate to meet the future needs of the Trails and Paint Brush under the Amended Stipulation and Agreement for Modified Replacement Plan, dated April 26, 1995.

5. By this Addendum the parties stipulate and agree that a Laramie-Fox Hills well to be located at the same site as the Arapahoe Well Permit No. 45307-F may be substituted as the replacement source under the Amended Stipulation and Agreement dated April 26, 1995.

6. The Trails and Paint Brush submitted, on November 26, 1995 a permit application to construct a Laramie-Fox Hills well as the replacement source. A copy of the Permit Application is attached. *MG to the Commission, 29 Nov 1995* *Ph 11-25* *U.S.T.*

7. The parties stipulate and agree that the State Engineer will issue, upon proper application, permits for five (5) individual on-lot residential wells to be located within Trails, Subdivision Filing 2. The Trails will send a letter with each of the five (5) well permit applications authenticating that the applications are filed pursuant to the Second Amended Stipulation and Agreement. Prior to the issuance of any other additional individual on-lot well permits in the Trails, Subdivision Filings 2, 3 and 4 Trails shall complete at least one nontributary Laramie-Fox Hills well as an additional replacement source to permanently replace the depletions associated with the pumping of Dawson wells in the Trails filings 2, 3 and 4 and install, construct and place in operation all works and equipment necessary to deliver the replacement water from the subject nontributary Laramie-Fox Hills well(s) to the alluvium of the Upper Black Squirrel Creek at the required discharge points.

8. This Second Amended Stipulation and Agreement provides for replacement water for 71 individual wells in Trails Filings 2, 3 and 4. Modification of the original stipulation and amendment is approved based on agreement by all parties to the following considerations: Prior to the issuance of any additional individual on-lot well permits other than the five (5) well permits described in Paragraph 7, Trails shall complete at least one nontributary Laramie-Fox Hills well as an additional replacement source to permanently replace the depletions associated with the pumping of Dawson wells in the Trails Filings 2, 3 and 4 and install, construct and place in operation all works and equipment necessary to deliver the replacement water from the subject nontributary Laramie-Fox Hills well(s) to the alluvium of the Upper Black Squirrel Creek at the discharge point described in Paragraph 12.e. hereinafter.

9. After a preliminary evaluation, the modified replacement plan was published in the Gazette Telegraph on August 27 and September 1, 1994. The District is the only

February 7, 1996

objector, and the time has expired for others to object. The Commission has jurisdiction over the approval or denial of the application.

10. The covenants for the Trails Filing 2 have been modified where applicable to reflect elements (a) through (i) below. Trails filings 3 and 4 are unplatted. Trails agrees to impose the same restrictions and covenants in Filings 3 and 4 as exist for Filing 2. The parties agree that contingent upon the availability of replacement water according to the requirements of this Stipulation in Paragraphs 8, 12 and 13, the following limitations and restrictions apply to the water supply for the 71 lots covered by this replacement plan:

a. Each lot may construct an individual on-lot well, for domestic purposes, to be completed in the Dawson aquifer. For the purpose of this agreement, domestic purposes include ordinary in-house uses, watering of lawn and garden (further limited below), and watering of non-commercial domestic animals (further limited below).

b. The well shall be limited to a maximum pumping rate of 15 gallons per minute.

c. Total diversions from each well shall not exceed 0.5 acre-foot per year, which is approximately 163,000 gallons per year.

d. Each lot shall be limited to the irrigation of no more than 3,000 square feet of lawn and garden.

e. Each lot owner will be entitled to maintain on his/her lot non-commercial domestic animals limited to a maximum of four horses, or other non-commercial domestic animals with an equivalent water requirement.

f. Each well shall be equipped with a totalizing flow meter and shall be maintained in good operating condition by each individual lot owner.

g. The plat and approved covenants require that lot owners construct duly approved non-evaporative septic tank and leach field domestic effluent systems with prior approval of the City and County Health Department of El Paso County.

h. Reservation of water rights by Trails.

(1) Subject to the rights of each owner to drill a water well for domestic purposes as hereinabove set forth, Trails has reserved unto itself, its successors and assigns, all water rights appurtenant to the Trails Filings 2, 3 and 4 except as specifically set forth herein.

February 7, 1996

(2) Trails is the owner of the municipal water well with Permit 17663-F (hereinafter Well 17663-F) located in the NW1/4 of the SW1/4 of Section 17, Township 12 South, Range 64 West of the 6th Principal Meridian. In the event that Well 17663-F interferes with the individual on-lot wells of the owners of Lots 34, 35, 44 through 49 inclusive, 67 and 68, and provided that such lot owner has drilled and cased their individual on-lot well to the bottom of the Dawson aquifer and such well is unable to produce 0.5 acre-feet annually, said lot owner shall be entitled to connect, at the sole cost of Trails (or its successor in interest) to Well 17663-F. This requirement shall then entitle a lot owner to receive up to 0.5 acre-feet annually at no cost to the lot owner and shall act as a lien upon Well 17663-F enforceable against the owner of said well. The State Engineer, or in the event that the State Engineer declines, a third party satisfactory to the parties shall be the final arbiter as to the amount of water produced by those individual on-lot wells within 1,000 feet of Well 17663-F. All connections shall be accomplished by the owner of Well 17663-F within one hundred twenty (120) days of a written notice being served upon said owner.

(3) In order to supplement the total quantity of water available to the subdivision, Trails agrees to convey a twenty-five percent (25) interest in the Denver aquifer underlying each lot to each lot purchaser. Individual lot owners may appropriate this water, but appropriation shall be used and the associated well operated in accordance with Paragraphs 10.b. through 10.g. above.

i. Return flows from the use of water by the lot owners have been determined by the Commission staff to return to the uppermost formation.

11. Trails avers that it has owned and conveyed the following water, water rights and facilities to Paint Brush as consideration for Paint Brush's administration and management of this amended replacement plan and the funding of monies required to drill, construct and complete at least one Arapahoe Aquifer Well to comply with this amended replacement plan, to wit:

a. Well, facilities and water rights appurtenant to Well 17051-F located in the SE1/4 of the SW1/4 of Section 7, Township 12 South, Range 64 West of the 6th Principal Meridian, permitted for 22.5 acre-feet per year, said well being completed in both the Dawson and Denver aquifers.

b. Well, facilities and water rights appurtenant to Well Permit No. 17665-F (hereinafter Well 17665-F) located in the NE1/4 of the NW1/4 of Section 16, Township 12 South, Range 64 West of the 6th Principal Meridian, permitted for 144 acre-feet per year, said well being completed in the Dawson aquifer.

February 7, 1996

c. All right, title and interest to the ground water underlying Section 16, T12S, R64W, of the 6th P.M., west of Eastonville Road, comprising approximately 296 acres, namely

(1)	Denver aquifer:	126 acre-feet per year (not nontributary)
(2)	Arapahoe aquifer:	89 acre-feet per year (nontributary)
(3)	Laramie-Fox Hills aquifer:	81 acre-feet per year (nontributary)

TOTAL: 296 acre-feet per year

d. Easements for well sites and ingress and egress to said sites, namely:

(1) Well sites (50' x 50')

- Denver Well: to be surveyed
- Arapahoe Well: to be surveyed.
- Laramie-Fox Hills Well: to be surveyed.

(2) Permanent (ingress and egress) easements for the Denver, Arapahoe and Laramie-Fox Hills wells: to be surveyed.

(3) Surveys for well sites and easements shall be submitted to the parties at the time well permit applications are submitted to the Colorado Division of Water Resources or prior to platting of any land in Section 16.

12. Paint Brush represents that it has evaluated and received the consideration listed herein and agrees that the consideration is adequate to compensate Paint Brush for providing the monitoring, administration, regulatory services and funding called for in this modified stipulation. In particular, Paint Brush agrees to provide the following services:

a. Prior to use of Well 17051-F, Well 17665-F and the proposed Laramie-Fox Hills Aquifer Well(s), Paint Brush will equip these wells with totalizing flow

February 7, 1996

meters, which wells and meters shall be properly maintained and operated in compliance with the terms of the permits.

b. Paint Brush will maintain adequate records of pumping from Well 17051-F, Well 17665-F and the proposed Laramie-Fox Hills Aquifer Well(s), maintain an accurate count of the number and date of completion of the individual on-lot wells drilled pursuant to this Stipulation and conduct periodic inspection of the residential lots to assure compliance with the requirements of Paragraphs 10.d. and 10.e. hereinabove.

c. Paint Brush will provide to the District and the Commission by February 15th of each year an annual report for the previous calendar year giving the following information.

(1) For each individual on-lot well in Trails Filing 2, 3 and 4 the name and address of said lot owner, the lot number, and a report on compliance with Paragraphs 10.d. and 10.e. hereinabove.

(2) The number of individual on-lot wells constructed in Trails Filing 2, 3 and 4 as of December 31st of each year.

(3) The amount of replacement water released in the prior pumping period (March 1 through December 1) to replace the previous year's computed depletions and the quantity of water required as determined in Paragraph 12.e. below for the next pumping period.

(4) The total withdrawal of Well 17051-F, Well 17665-F and the proposed Laramie-Fox Hills Aquifer Well(s).

d. Well 17051-F under current interpretation of the Commission is dual completed. The well is completed thirty-seven percent (37%) in the Dawson aquifer and sixty-three percent (63%) in the Denver aquifer. Trails and Paint Brush shall be permitted to use this well as a nontributary source for up to 14.2 acre-feet per year for this replacement plan. Additionally, 7.7 acre-feet of water from the proposed Laramie-Fox Hills Aquifer Well(s) shall be dedicated to this modified replacement plan. Paint Brush agrees that if the Dawson/Denver well requires replacement, Paint Brush has received adequate consideration for this purpose and agrees to construct and operate a new replacement well for the 71 lot owners. Paint Brush may pump from Well 17501-F and the proposed Laramie-Fox Hills Aquifer Well(s) the remaining permitted quantities for other permitted purposes not associated with this

February 7, 1996

replacement plan so long as such pumping does not interfere with replacement obligations under this modified replacement plan.

e. Paint Brush will operate Well 17051-F and the proposed Laramie-Fox Hills Aquifer Well(s) pursuant to the terms and conditions of paragraph 12 herein such that between March 1 and December 1 of each and every year, these wells will pump and discharge to Black Squirrel Creek at a point upstream of Eastonville Road, in Sections 7 or 8 of Township 12 South, Range 6 and West of the 6th P.M. for which point a survey shall be submitted by Paint Brush to the Commission within 30 days of commencement of discharge of replacement water, a specific quantity of replacement water based upon the following formula:

- (1) The number of individual on-lot wells existing in Trails Filing 2 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.20 = replacement water.
- (2) The number of individual on-lot wells in Trails Filings 3 and 4 as of December 31 of each year multiplied by 0.5 acre-foot per year multiplied by 0.28 = replacement water.

f. Paint Brush shall pump and discharge water from Well 17051-F and the proposed Laramie-Fox Hills Aquifer Well(s) at rates not to exceed 14.5 gallons per minute for Well 17051-F and 50gpm for the Laramie-Fox Hills Aquifer well(s). By releasing water at these rates between March 1 and December 1 of each year, the parties agree and stipulate that losses of water to non-beneficial uses will be minimized. All discharge to Black Squirrel Creek from Well 17051-F and the proposed Laramie-Fox Hills Aquifer Well(s) shall be metered separately from the total production of that well.

g. During the first year after the construction and completion of the proposed Laramie-Fox Hills Aquifer Well(s), Paint Brush shall pump and discharge to Black Squirrel Creek, at the point specified in paragraph 12.e. herein, that quantity of water which the Commission has determined to be owed to Black Squirrel Creek since May 1989 based on the formula described in paragraph 12.e. less actual discharges made by Paint Brush since 1989.

13. The parties agree and stipulate that in the event this replacement water is not discharged into Black Squirrel Creek during any particular year the individual on-lot wells will be allowed to continue pumping for that year but shall not pump in any following year, except as provided in this paragraph, unless the replacement waters are discharged to Black Squirrel Creek, including any deficit for prior year shortages. There shall be no curtailment

February 7, 1996

of pumping of individual on-lot wells without providing notice to Paint Brush and providing Paint Brush a reasonable period of time, not to exceed one year from the date of notice, to correct the deficiency. Any new replacement water sources other than the Laramie-Fox Hills Aquifer must be approved by all parties. When any substitute Laramie-Fox Hills Aquifer Well is being used for replacement purposes its replacement use is restricted to the 71 lots in this plan. The Laramie-Fox Hills Aquifer Well(s) in this plan may also be used for purposes other than replacement in accordance with the well permit(s).

14. The Commission retains jurisdiction over the replacement plan described in this Stipulation and may, upon its own motion or upon written request of the District, revoke or modify its approval of this Stipulation in the event monitoring or operating experience demonstrates further impairment or material injury to water rights or unreasonable impairment of water quality. No such modification or revocation shall occur without notice to Trails and Paint Brush and prior hearing before the Commission.

15. The monitoring, administration and regulation of the replacement plan may not be assigned without the prior written consent of all parties hereto, which consent shall not be unreasonably withheld.

16. It is the intention of the parties hereto that each lot owner shall be considered a third party beneficiary of the Trails.

17. This agreement and the obligations set forth herein shall be subject to specific enforcement by the parties or any third party beneficiaries. If this agreement is not performed, this agreement may be enforced by injunction of any party or third party beneficiary hereto.

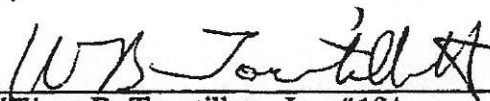
Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

February 7, 1996

18. This Stipulation shall be recorded by the applicant in the office of the El Paso County Clerk and Recorder and shall constitute a covenant running with Trails Filings 2, 3 and 4. Trails shall also provide that covenants shall be modified to coincide with this stipulation.

FOR THE APPLICANT:

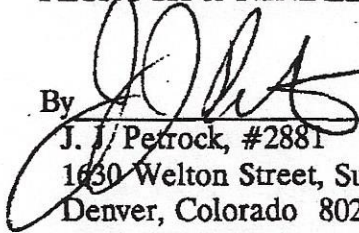
FRIEDLOB SANDERSON RASKIN
PAULSON & TOURTILLOTT, LLC

By  Feb. 7, 1996
Date
William B. Tourtillott, Jr., #184
1400 Glenarm, Suite 300
Denver, Colorado 80202

Attorneys for The Trails, Ltd. and
Jerry Smith

FOR THE UPPER BLACK SQUIRREL CREEK
GROUND WATER MANAGEMENT DISTRICT:

PETROCK & FENDEL

By  Feb 7, 1996
Date
J. J. Petrock, #2881
1630 Welton Street, Suite 200
Denver, Colorado 80202
(303) 534-0702

Attorney for the Upper Black Squirrel
Creek Ground Water Management District


Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

February 7, 1996

FOR THE PAINT BRUSH HILLS METROPOLITAN
DISTRICT:

P. J. ANDERSON

By


P. J. Anderson, #6309
10 East Costilla
Colorado Springs, Colorado 80903
(719) 633-4873

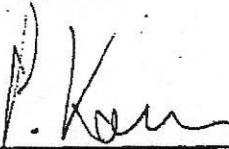
Date

2/12/96

Attorney for the Paint Brush Hills
Metropolitan District

FOR THE COLORADO GROUND WATER
COMMISSION:

By


Patrick E. Kowaleski, #9598
Assistant Attorney General
Natural Resources Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
(303) 866-5129

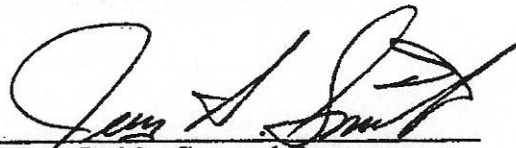
Date

2/9/96

Attorney for the Colorado Ground
Water Commission

THE TRAILS, LTD.
J.A.S. PROPERTIES, INC.

By


Jerry A. Smith, General Partner

2/10/96

Applicant: Jerry Smith
Case Nos.: 94GW06 and 88GW03

February 7, 1996

PAINT BRUSH HILLS METROPOLITAN
DISTRICT

By Jerry A. Smith
Title: President

2/10/96

Dawson Wells

Form No.
GWS-25
OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
 818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
 (303) 866-3581

DAWSON DA-1

LIC

APPLICANT

 WELL PERMIT NUMBER 60140 -F-
 DIV. 8 WD 10 DES. BASIN 4 MD 12

DA-1

 LATIGO INVESTMENTS, LP
 C/O GTL, INC
 P O BOX 80036
 SAN DIEGO, CA 92138-

(619) 223-1663

PERMIT TO USE AN EXISTING WELL

APPROVED WELL LOCATION
 EL PASO COUNTY
 NW 1/4 SW 1/4 Section 21
 Township 12 S Range 64 W Sixth P.M.
DISTANCES FROM SECTION LINES
 2500 Ft. from South Section Line
 1100 Ft. from West Section Line
UTM COORDINATES

Northing: Easting:

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
 - 2) The construction of this existing well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
 - 3) Approved pursuant to Section 37-90-107(7), C.R.S., and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 157-BD. This permit allows the use of an existing well originally constructed under cancelled permit no. 17661-F.
 - 4) The maximum pumping rate of this well shall not exceed 35 GPM.
 - 5) The annual withdrawal of ground water from this well shall not exceed 31.9 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 19, 20, and 24.a of the above described Order of the Commission.
 - 6) The use of ground water from this well is limited to a central water system for domestic, irrigation, livestock watering, commercial purposes, and replacement supplies. Place of use shall be limited to the 2650 acre land area claimed in the above described Order of the Commission.
 - 7) This well must be constructed to withdraw water from only the Dawson aquifer.
 - 8) The owner shall mark the well in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
 - 9) This well shall be located within 200 feet of the location specified on this permit, on overlying land claimed in the above Order. The well shall not be located within 600 feet of another large-capacity well completed in the Dawson aquifer.
 - 10) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
 - 11) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
- NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

APPROVED

State Engineer

Receipt No. 0467147A

DATE ISSUED 08-28-2003

By

EXPIRATION DATE 08-28-2004

Form No.
GWS-25

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

RECEIVED
AUG 20 2010

WELL PERMIT NUMBER 74410

BY: _____

-F-

DIV. 8

WD 10

DES. BASIN 4

MD 12

APPLICANT

DA - 2

MERIDIAN SERVICE METRO DISTRICT
C/O GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-0036

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY

SE 1/4 SW 1/4 Section 16

Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

1200 Ft. from South Section Line

1900 Ft. from West Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: _____

Northing: _____

PERMIT TO USE AN EXISTING WELL (AMENDED)

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated August 2, 2004 and June 28, 2006, for Determination of Water Right No. 570-BD for use of an existing well constructed under permit no. 63939-F for withdrawal of the nontributary water underlying the "Southern Tract /Area" as described in Determination of Water Right No. 570-BD. In the event the well is not operated in accordance with the conditions of the determination and replacement plan, it will be subject to administration, including orders to cease diverting ground water.
- 4) The pumping rate of this well shall not exceed 100 GPM.
- 5) The annual withdrawal of ground water from this well, other wells or combination of wells made from the nontributary portion of the allocation pursuant to 570-BD is subject to the total annual withdrawal limitation set by this permit and the conditions as specified by the above referenced Order of the Commission and shall not exceed 130 acre-feet.
- 6) The use of ground water from this well is limited to municipal, industrial, commercial, irrigation, domestic use, livestock, and replacement water. The place of use is limited to 3454.94 acres of the Meridian Metropolitan Service Area described in the above mentioned Order, dated June 28, 2006.
- 7) This well must be constructed to withdraw water only from the Dawson aquifer.
- 8) The owner shall mark the well in a conspicuous place with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Dawson aquifer.
- 10) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 11) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 12) Issuance of this permit cancels permit No. 63939-F.

APPROVED
SMJ

State Engineer

DATE ISSUED 08-16-2010

By

EXPIRATION DATE

Receipt No. 3642580B

N/A

CONDITIONS OF APPROVAL

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

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

Form No.
GWS-25

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

RECEIVED
AUG 20 2010
BY: 71

WELL PERMIT NUMBER 74409 -F-
DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

DA - 3

MERIDIAN SERVICE METRO DISTRICT
C/O GTL INC
PO BOX 80036
SAN DIEGO, CA 92138-0036

(619) 223-1663

APPROVED WELL LOCATION

EL PASO COUNTY
NE 1/4 NW 1/4 Section 16
Township 12 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

300 Ft. from North Section Line
1800 Ft. from West Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO USE AN EXISTING WELL (AMENDED)

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated August 2, 2004 and June 28, 2006, for Determination of Water Right No. 570-BD for use of an existing well constructed under permit no. 63938-F for withdrawal of the nontributary water underlying the "Southern Tract /Area" as described in Determination of Water Right No. 570-BD. In the event the well is not operated in accordance with the conditions of the determination and replacement plan, it will be subject to administration, including orders to cease diverting ground water.
- 4) The pumping rate of this well shall not exceed 100 GPM.
- 5) The annual withdrawal of ground water from this well, other wells or combination of wells made from the nontributary portion of the allocation pursuant to 570-BD is subject to the total annual withdrawal limitation set by this permit and the conditions as specified by the above referenced Order of the Commission and shall not exceed 130 acre-feet.
- 6) The use of ground water from this well is limited to municipal, industrial, commercial, irrigation, domestic use, livestock, and replacement water. The place of use is limited to 3454.94 acres of the Meridian Metropolitan Service Area described in the above mentioned Order, dated June 28, 2006.
- 7) This well must be constructed to withdraw water only from the Dawson aquifer.
- 8) The owner shall mark the well in a conspicuous place with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Dawson aquifer.
- 10) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 11) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
- 12) Issuance of this permit cancels permit No. 63938-F.

APPROVED
SMJ

State Engineer

Receipt No. 3642580A

DATE ISSUED 08-16-2010

By

EXPIRATION DATE

N/A

CONDITIONS OF APPROVAL

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

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

Guthrie Ranch Wells

Alluvial Wells

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

Amended

LIC

WELL PERMIT NUMBER	612	-RFP	R
DIV. 8	WD 10	DES. BASIN 4	MD 12

APPLICANT

GTL DEVELOPMENT INC & BIG PARTNERS
PO BOX 80036
SAN DIEGO, CA 92138-

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 NW 1/4 Section 30
Township 12 S Range 62 W Sixth P.M.

DISTANCES FROM SECTION LINES

1095 Ft. from North Section Line
85 Ft. from West Section Line

UTM COORDINATES

Northing: Easting:

(619) 223-1663

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this existing replacement well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-111(1)(c) for the replacement of an existing well with permit no. 612-RFP. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules. The enclosed Well Abandonment Report form must be submitted within 60 days after issuance of this permit affirming that the old well was plugged.
- 4) In accordance with the Rules of the Upper Black Squirrel Creek Ground Water Management District, this well must be constructed within 50 feet of the originally permitted location of the old well. The originally permitted location of the old well is described as a point 1060 feet from the North section line and 50 feet from the West section line of Section 30, Township 12 South, Range 62 West of the 6th P.M.
- 5) The maximum pumping rate of this well shall not exceed 2200 GPM.
- 6) The maximum allowed annual withdrawal of ground water from this well shall be limited to 393.75 acre-feet for irrigation use or 246 acre-feet for municipal and/or export use.
- 7) Approval of this replacement well permit shall not result in an expanded use of ground water. Use of this well is limited to irrigation of 157.5 acres singly or 234 total combined acres with the well having permit no. 27552-RFP. The authorized irrigated acres for the well are described as land in the SW1/4 of Section 19 and the NE1/4 and W1/2 of Section 30, all in Township 12 South, Range 62 West of the 6th P.M.
- 8) In accordance with the Findings and Order of the Commission for permit nos. 612-RFP and 27554-FP, dated May 14, 1990, the well may also be used for municipal use and/or export (outside the Upper Black Squirrel Creek Designated Ground Water Basin). At such time as the well is first used for such municipal use or export: a) there shall be no further authorized irrigation use by this well as described in the above condition 7; b) the maximum allowed annual withdrawal of ground water from the well shall be limited to 246 acre-feet, subject to the conditions in the above Order; c) the well owner shall provide written notification to the Commission within 30 days after commencement of such use or export.
- 9) Production is limited to the alluvium of Black Squirrel Creek or its tributaries. The depth of this well shall not exceed 127 feet or the depth at which sandstone or shale is first encountered, whichever comes first.
- 10) The owner shall mark the well in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 11) A totalizing flow meter shall be installed on this well and maintained in good working order. The well owner shall submit to the Ground Water Commission and the Upper Black Squirrel Creek Ground Water Management District the serial number, units of measure, and initial reading of the flow meter installed within 60 days after flow meter installation. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Commission or the Management District upon request.

NOTE: The above uses correspond to the allowed uses in Final Permit No. 612-RFP, as amended on October 18, 1990, and are subject to the conditions in the Findings and Order of the Commission dated May 14, 1990.

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

APPROVED
SMS

State Engineer

Receipt No. 0513805A

DATE ISSUED 08-26-2003

EXPIRATION DATE 08-26-2004

Form No.
GWS-25
OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
 818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
 (303) 866-3581

REC'D AUG 15 2005

LIC

WELL PERMIT NUMBER	27554	-FP	R
DIV. 8	WD 10	DES. BASIN 4	MD 12

APPLICANT

Alluvial
2

WOODMEN HILLS PUBLIC FACILITIES AUTH
 GTL DEVELOPMENT INC
 PO BOX 80036
 SAN DIEGO, CA 92138-

(619) 223-1663

PERMIT TO CONSTRUCT A WELLAPPROVED WELL LOCATION

EL PASO COUNTY
 SW 1/4 SW 1/4 Section 19
 Township 12 S Range 62 W Sixth P.M.

DISTANCES FROM SECTION LINES

135 Ft. from South Section Line
 200 Ft. from West Section Line

UTM COORDINATES (Meters, Zone 13, NAD83)

Easting: Northing:

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this existing replacement well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 10.
- 3) Approved pursuant to CRS 37-90-111(1)(c) for the replacement of an existing well with permit no. 27554-FP. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules. The enclosed Well Abandonment Report form must be submitted within 60 days after issuance of this permit affirming that the old well was plugged.
- 4) In accordance with the Rules of the Upper Black Squirrel Creek Ground Water Management District, this well must be constructed within 50 feet of the permitted location described as a point 100 feet from the South section line and 168 feet from the West section line of Section 19, Township 12 South, Range 62 West of the 6th P.M.
- 5) The maximum pumping rate of this well shall not exceed 1200 GPM.
- 6) The maximum allowed annual withdrawal of ground water from this well shall be limited to 191.25 acre-feet for irrigation use or 43 acre-feet for municipal and/or export use.
- 7) Approval of this replacement well permit shall not result in an expanded use of ground water. Use of this well is limited to irrigation of 70.5 acres singly or 234 total combined acres with the well having permit no. 612-RFP. The authorized irrigated acres for the well are described as land in the SW 1/4 of Section 19 and the NE 1/4 and W 1/2 of Section 30, all in Township 12 South, Range 62 West of the 6th P.M.
- 8) In accordance with the Findings and Order of the Commission for permit nos. 612-RFP and 27554-FP, dated May 14, 1990, the well may also be used for municipal use and/or export (outside the Upper Black Squirrel Creek Designated Ground Water Basin). At such time as the well is first used for such municipal use or export: a) there shall be no further authorized irrigation use by this well as described in the above condition 7; b) the maximum allowed annual withdrawal of ground water from the well shall be limited to 43 acre-feet, subject to the conditions in the above Order; c) the well owner shall provide written notification to the Commission within 30 days after commencement of such use or export.
- 9) Production is limited to the alluvium of Black Squirrel Creek or its tributaries. The depth of this well shall not exceed 126 feet or the depth at which sandstone or shale is first encountered, whichever comes first.
- 10) The owner shall mark the well in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.

APPROVED
 SMJ

State Engineer

Receipt No. 0540293B

DATE ISSUED

07-28-2005

By

EXPIRATION DATE

07-28-2006

Receipt No. 05402938

WELL PERMIT NUMBER 27554

-FP R

Page 2

CONDITIONS OF APPROVAL

- 11) A totalizing flow meter shall be installed on this well and maintained in good working order. The well owner shall submit to the Ground Water Commission and the Upper Black Squirrel Creek Ground Water Management District the serial number, units of measure, and initial reading of the flow meter installed within 60 days after flow meter installation. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Commission or the Management District upon request.

NOTE: The above uses correspond to the allowed uses in Final Permit No. 27554-FP, as amended on October 15, 1990, and are subject to the conditions in the Findings and Order of the Commission dated May 14, 1990.

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

Arapahoe Wells

Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**
918 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER		61236	-F-
DIV. 8	WD 10	DES. BASIN 4	MD 12

APPLICANT

GTL DEVELOPMENT INC
B.I.G.PARTNERS LTD
P O BOX 80036
SAN DIEGO, CA 92138-

(719) 327-5810

APPROVED WELL LOCATION

EL PASO COUNTY

SW 1/4 SW 1/4 Section 30

Township 12 S Range 62 W Sixth P.M.

DISTANCES FROM SECTION LINES

350 Ft. from South Section Line

300 Ft. from West Section Line

UTM COORDINATES

Northing:

Easting:

PERMIT TO CONSTRUCT A WELLCONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS; and the Findings and Order of the Colorado Ground Water Commission, dated October 18, 2001, for Determination of Water Right No. 229-BD; and the Findings and Order of the Commission, dated June 20, 2003, for changes in the terms and conditions of said Determination. The well must be operated in accordance with the terms and conditions of these two Orders.
- 4) The maximum pumping rate of this well shall not exceed 100 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 161 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 19, 20, and 24.e of the above described Order of the Commission, dated October 18, 2001.
- 6) The use of ground water from this well is limited to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. The place of use shall be limited to use within the water supply service area of the the Woodmen Hills Metropolitan District and the Meridian Ranch Metropolitan District & Meridian Service Metropolitan District, as described in paragraph 12.a of the above described Order of the Commission, dated June 20, 2003, and within that part of the water service area of the Cherokee Metropolitan District that is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. Municipal use may only occur within the above described water service areas.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 475 feet below the ground surface and the base of the aquifer is located approximately 985 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well (designated A-1) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Orders. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.

APPROVED
RAC

State Engineer

By

Receipt No. 0521812A

DATE ISSUED 06-18-2004

EXPIRATION DATE 06-18-2005

Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 586-3581

LIC

WELL PERMIT NUMBER		61237	-F	-
DIV. 8	WD 10	DES. BASIN 4	MD 12	

APPLICANT

GTL DEVELOPMENT INC
B.I.G. PARTNERS LTD
P O BOX 80036
SAN DIEGO, CA 92138-

(719) 327-5810

APPROVED WELL LOCATION

EL PASO COUNTY

NW 1/4 NW 1/4 Section 30
Township 12 S Range 62 W Sixth P.M.

DISTANCES FROM SECTION LINES

1050 Ft. from North Section Line
300 Ft. from West Section Line

UTM COORDINATES

Nothing: Easting:

PERMIT TO CONSTRUCT A WELLCONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS; and the Findings and Order of the Colorado Ground Water Commission, dated October 18, 2001, for Determination of Water Right No. 229-BD; and the Findings and Order of the Commission, dated June 20, 2003, for changes in the terms and conditions of said Determination. The well must be operated in accordance with the terms and conditions of these two Orders.
- 4) The maximum pumping rate of this well shall not exceed 100 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 161 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 19, 20, and 24.e of the above described Order of the Commission, dated October 18, 2001.
- 6) The use of ground water from this well is limited to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. The place of use shall be limited to use within the water supply service area of the the Woodman Hills Metropolitan District and the Meridian Ranch Metropolitan District & Meridian Service Metropolitan District, as described in paragraph 12.a of the above described Order of the Commission, dated June 20, 2003, and within that part of the water service area of the Cherokee Metropolitan District that is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. Municipal use may only occur within the above described water service areas.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 510 feet below the ground surface and the base of the aquifer is located approximately 1020 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well (designated A-2) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Orders. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.

APPROVED
RAC

State Engineer

DATE ISSUED 06-18-2004

By

EXPIRATION DATE 06-18-2005

Receipt No. 0521812B

Receipt No. 0521812B

WELL PERMIT NUMBER 61237

- F -

Page 2

CONDITIONS OF APPROVAL

- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually at the end of each calendar year) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) Of the total annual amount of ground water withdrawn from the aquifer in a calendar year, at least 2% of that amount must be returned directly to the alluvial aquifer of Black Squirrel Creek through an infiltration gallery or similar structure acceptable to the Commission.

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

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

Laramie Fox Hills Wells

Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 868-3581

LIC

WELL PERMIT NUMBER 61234 - F -
DIV 8 WD 10 DES BASIN 4 MD 12APPLICANTGTL DEVELOPMENT INC
& B.I.G. PARTNERS LTD
P O BOX 80036
SAN DIEGO, CA 92138

(719) 327-5810

APPROVED WELL LOCATION

EL PASO COUNTY

SW 1/4 SW 1/4 Section 30
Township 12 S Range 62 W Sixth P.M.DISTANCES FROM SECTION LINES

300 Ft. from South Section Line

300 Ft. from West Section Line

UTM COORDINATES

Northing: Easting:

PERMIT TO CONSTRUCT A WELLCONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS; and the Findings and Order of the Colorado Ground Water Commission, dated October 18, 2001, for Determination of Water Right No. 228-BD; and the Findings and Order of the Commission, dated June 20, 2003, for changes in the terms and conditions of said Determination. The well must be operated in accordance with the terms and conditions of these two Orders.
- 4) The maximum pumping rate of this well shall not exceed 100 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 161 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 19, 20, and 24.e of the above described Order of the Commission, dated October 18, 2001.
- 6) The use of ground water from this well is limited to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. The place of use shall be limited to use within the water supply service area of the the Woodmen Hills Metropolitan District and the Meridian Ranch Metropolitan District & Meridian Service Metropolitan District, as described in paragraph 12.a of the above described Order of the Commission, dated June 20, 2003, and within that part of the water service area of the Cherokee Metropolitan District that is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. Municipal use may only occur within the above described water service areas.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 1180 feet below the ground surface and the base of the aquifer is located approximately 1545 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-1) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.

APPROVED
RAC

State Engineer

Receipt No. 0521811A

DATE ISSUED 06-18-2004

By

EXPIRATION DATE 06-18-2005

Receipt No. 0521811A

WELL PERMIT NUMBER 61234

-F-

Page 2

CONDITIONS OF APPROVAL

- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Orders. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually at the end of each calendar year) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) Of the total annual amount of ground water withdrawn from the aquifer in a calendar year, at least 2% of that amount must be returned directly to the alluvial aquifer of Black Squirrel Creek through an infiltration gallery or similar structure acceptable to the Commission.

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

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

Form No.
GWS-25

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

LFH-2
Guthrie.

LIC

WELL PERMIT NUMBER 61235 -F-
 DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

GTL DEVELOPMENT INC
 & B.I.G. PARTNERS LTD
 P O BOX 80036
 SAN DIEGO, CA 92138

(719) 327-5810

APPROVED WELL LOCATION

EL PASO COUNTY

NW 1/4 NW 1/4 Section 30
 Township 12 S Range 62 W Sixth P.M.

DISTANCES FROM SECTION LINES

1000 Ft. from North Section Line
 300 Ft. from West Section Line

UTM COORDINATES

Northings: Eastings:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

Page 1 of 2

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS; and the Findings and Order of the Colorado Ground Water Commission, dated October 18, 2001, for Determination of Water Right No. 228-BD; and the Findings and Order of the Commission, dated June 20, 2003, for changes in the terms and conditions of said Determination. The well must be operated in accordance with the terms and conditions of these two Orders.
- 4) The maximum pumping rate of this well shall not exceed 100 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 161 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 19, 20, and 24.e of the above described Order of the Commission, dated October 18, 2001.
- 6) The use of ground water from this well is limited to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. The place of use shall be limited to use within the water supply service area of the the Woodmen Hills Metropolitan District and the Meridian Ranch Metropolitan District & Meridian Service Metropolitan District, as described in paragraph 12.a of the above described Order of the Commission, dated June 20, 2003, and within that part of the water service area of the Cherokee Metropolitan District that is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. Municipal use may only occur within the above described water service areas.
- 7) This well must be constructed to withdraw water from only the Laramie-Fox Hills aquifer. The top of this aquifer is located approximately 1215 feet below the ground surface and the base of the aquifer is located approximately 1585 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers. Since the depth to the top of the aquifer is approximate, to ensure the exclusion of poor quality water from zones immediately above the aquifer, plain casing and grout shall extend through the lowermost coal and/or carbonaceous shale that overlies the Laramie sand portion of the aquifer.
- 8) The owner shall mark the well (designated LFH-2) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.

APPROVED
RAC

State Engineer

Receipt No. 05218119

DATE ISSUED 06-18-2004

By

EXPIRATION DATE 06-18-2005

Receipt No. 0521811B

WELL PERMIT NUMBER 61235

-F-

Page 2

CONDITIONS OF APPROVAL

- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Orders. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually at the end of each calendar year) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) Of the total annual amount of ground water withdrawn from the aquifer in a calendar year, at least 2% of that amount must be returned directly to the alluvial aquifer of Black Squirrel Creek through an infiltration gallery or similar structure acceptable to the Commission.

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

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

MERIDIAN RANCH & SURROUNDING AREA RAW WATER SYSTEM

WELL TEST INFORMATION 06/23/2015

Pump Scenerio	INDIVIDUAL				1		2		3		4		5	
WELLS	Pressure	Pump Depth	GPM		Pressure	GPM	Pressure	GPM	Pressure	GPM	Pressure	GPM	Pressure	GPM
D-3	70	1280	20		70	20	74	22	74	21	78	20	78	18
LFH-3	70	1787.5	88		70	81	74	83	74	78	78	73	78	68
A-4	20	1862	55		20	55	35	51	58	48	105	46	150	38
LFH-4	20	2404	89		15	89	32	80	53	84	100	81	150	75
A-1	54	1810	51				73	49	102	45	140	42	160+	38
LFH-1	66	2120	94				84	93	114	85	150	90	160+	82
A-2	100	1796.8	42						142	40	191	34	205	32
LFH-2	97	2151	95						140	95	187	90	200	80
A-9	125	1754	26								215	24	220	22
LFH-9	125	1967	88								215	60	220	55
Latigo LFH-1	35	2029.6	84										48	80
GPM Delivered to Filter Plant					245		378		496		560		588	

NOTE:

MERIDIAN RANCH DAWSON WELLS
820 AC. FT. SECTIONS 19, 20, 29 & 30
31.9 AC. FT. SECTIONS 21

MERIDIAN RANCH DENVER WELLS
1171 AC. FT.

MERIDIAN RANCH ARAPAHOE WELLS
942 AC. FT.

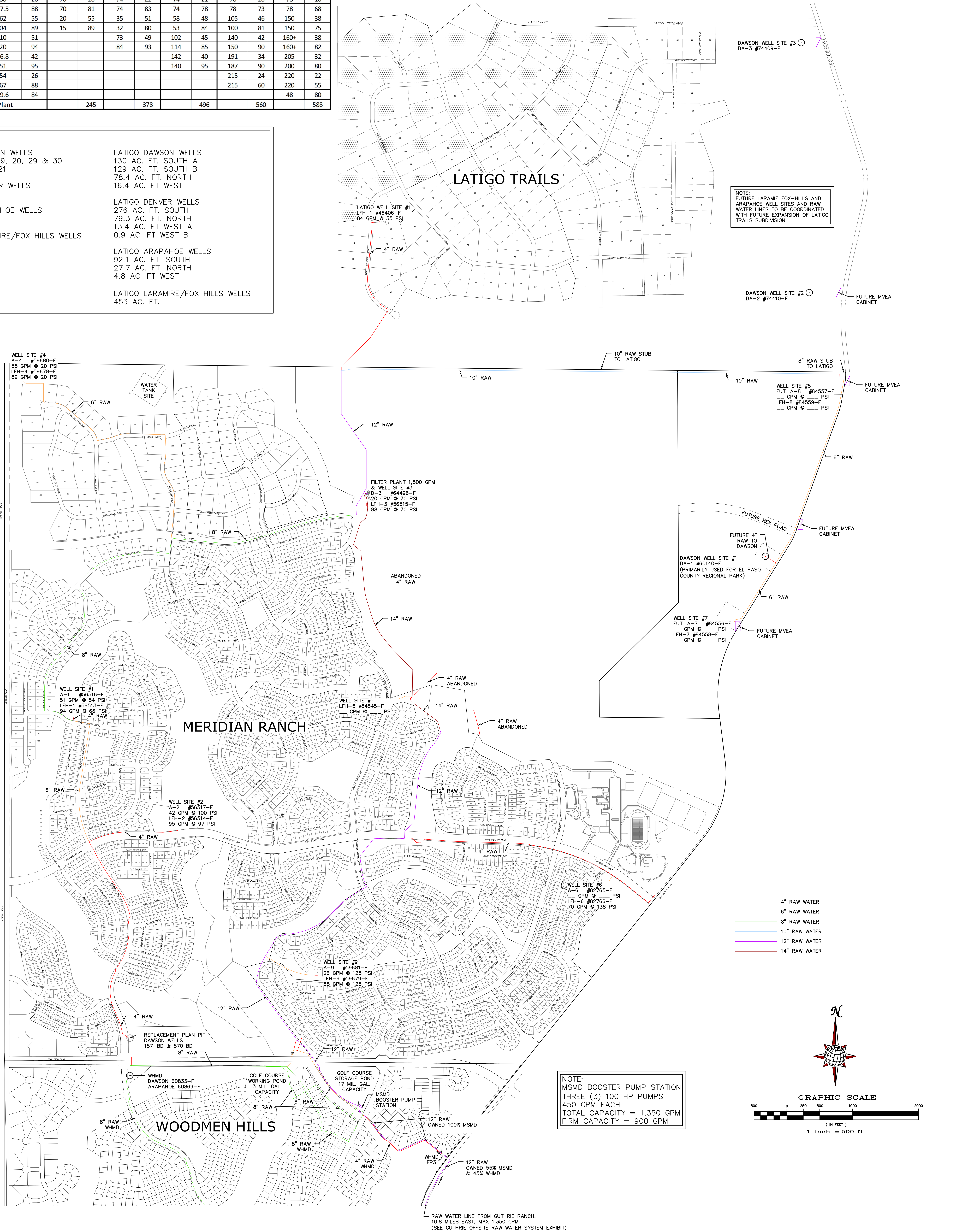
MERIDIAN RANCH LARAMIRE/FOX HILLS WELLS
755 AC. FT.

LATIGO DAWSON WELLS
130 AC. FT. SOUTH A
129 AC. FT. SOUTH B
78.4 AC. FT. NORTH
16.4 AC. FT. WEST

LATIGO DENVER WELLS
276 AC. FT. SOUTH
79.3 AC. FT. NORTH
13.4 AC. FT. WEST A
0.9 AC. FT. WEST B

LATIGO ARAPAHOE WELLS
92.1 AC. FT. SOUTH
27.7 AC. FT. NORTH
4.8 AC. FT. WEST

LATIGO LARAMIRE/FOX HILLS WELLS
453 AC. FT.



Scale	1"=500'	Drawn by	LOC	MERIDIAN RANCH & SURROUNDING AREA
Sheet Number	1	Checked by	TAK	OVERALL
		Date	APRIL 2021	RAW WATER SYSTEM



TECH CONSTRUCTION CORP.
12311 REX ROAD
FALCON, CO 80831
OFFICE: (719)495-7444
FAX: (719)495-7608

1					
No.	Revisions	Date	Init.	Appr.	Date

NOTE:
FUTURE LINEWORK/WELLS ARE NOT
ACCURATELY SCALED/LOCATED –
FOR PLANNING PURPOSES ONLY

GUTHRIE OFFSITE RAW WATER SYSTEM

- PROPOSED RAW WM
(50% MSMD, 50% WHMD)
- EXISTING 12" RAW WM
(55% MSMD, 45% WHMD)
- EXISTING 6" RAW WM
(55% MSMD, 45% WHMD)
- #

PROPOSED WELL SITE LOCATIONS
(50% MSMD, 50% WHMD)

NOTE:

GUTHRIE ALLUVIAL WELL #1 (#612-RFP-R)
170 AC. FT. MSMD
76 AC. FT. WHMD

GUTHRIE ALLUVIAL WELL #2 (#27554-FP-R)
30 AC. FT. MSMD
13 AC. FT. WHMD

GUTHRIE ARAPAHOE WELLS
240.55 AC. FT. MSMD
240.55 AC. FT. WHMD

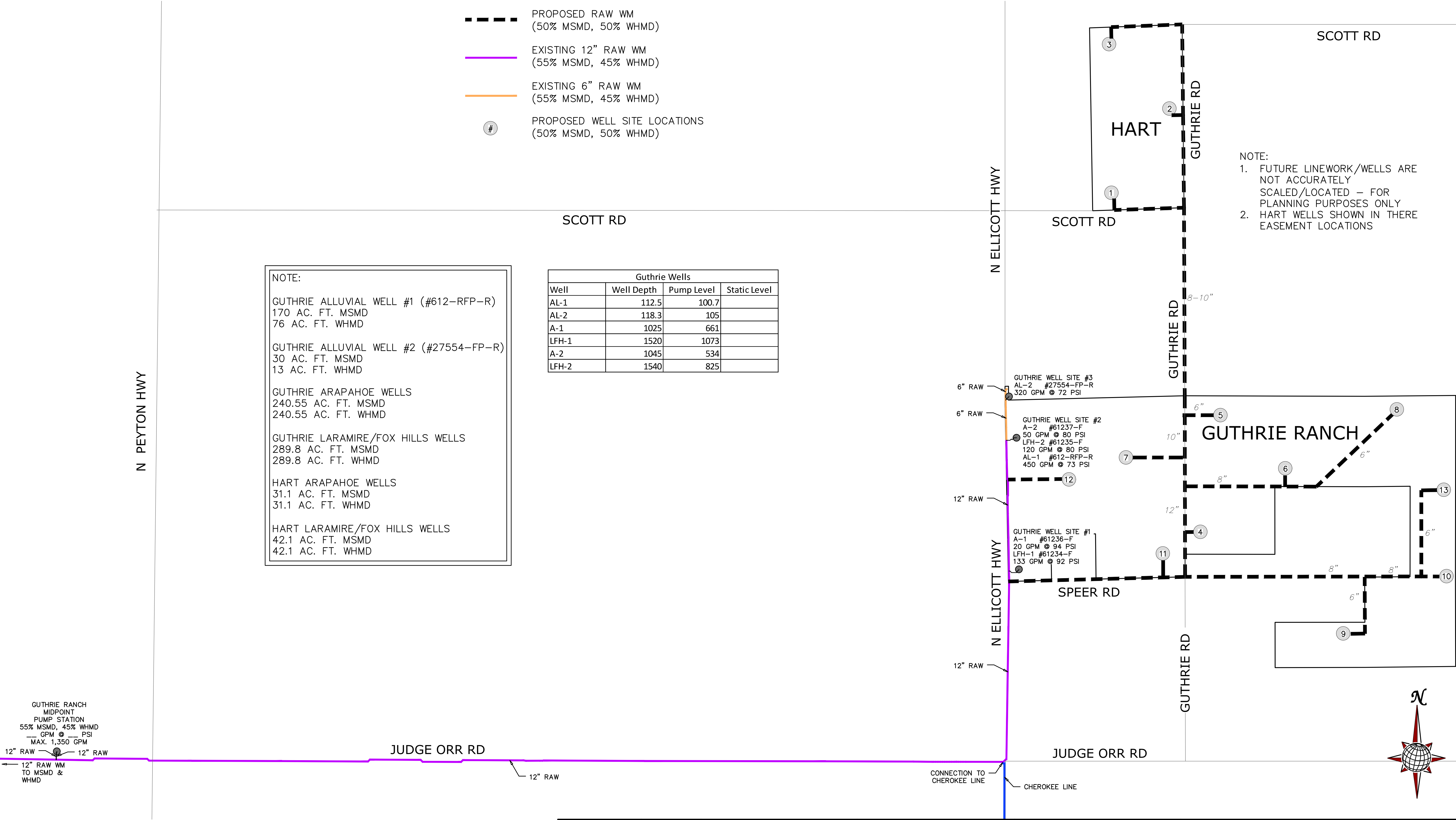
GUTHRIE LARAMIRE/FOX HILLS WELLS
289.8 AC. FT. MSMD
289.8 AC. FT. WHMD

HART ARAPAHOE WELLS
31.1 AC. FT. MSMD
31.1 AC. FT. WHMD

HART LARAMIRE/FOX HILLS WELLS
42.1 AC. FT. MSMD
42.1 AC. FT. WHMD

Guthrie Wells			
Well	Well Depth	Pump Level	Static Level
AL-1	112.5	100.7	
AL-2	118.3	105	
A-1	1025	661	
LFH-1	1520	1073	
A-2	1045	534	
LFH-2	1540	825	

- NOTE:
- FUTURE LINEWORK/WELLS ARE NOT ACCURATELY SCALED/LOCATED – FOR PLANNING PURPOSES ONLY
 - HART WELLS SHOWN IN THERE EASEMENT LOCATIONS



GUTHRIE RANCH
MIDPOINT
PUMP STATION
55% MSMD, 45% WHMD
— GPM @ — PSI
MAX. 1,350 GPM

12" RAW — 12" RAW

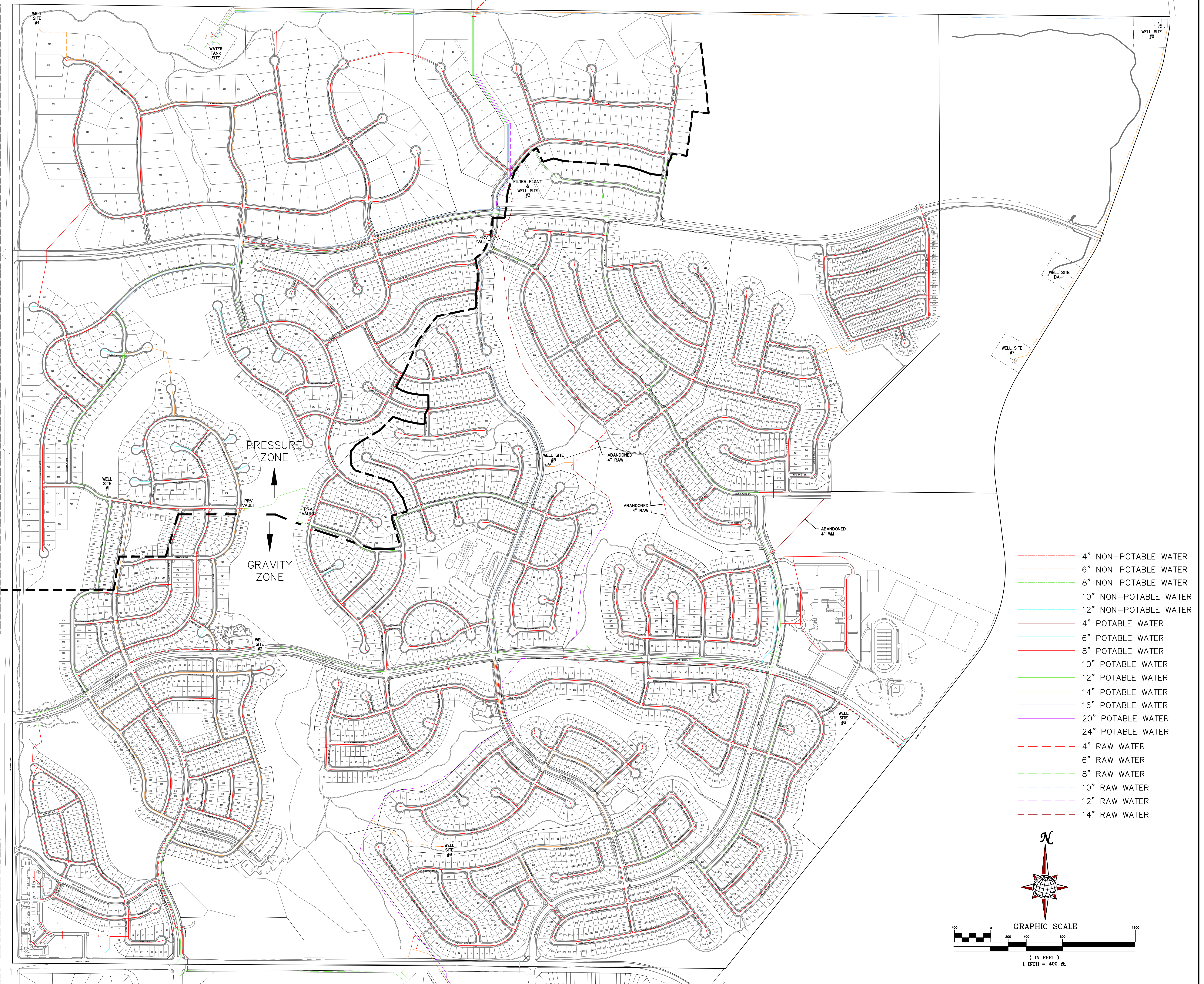
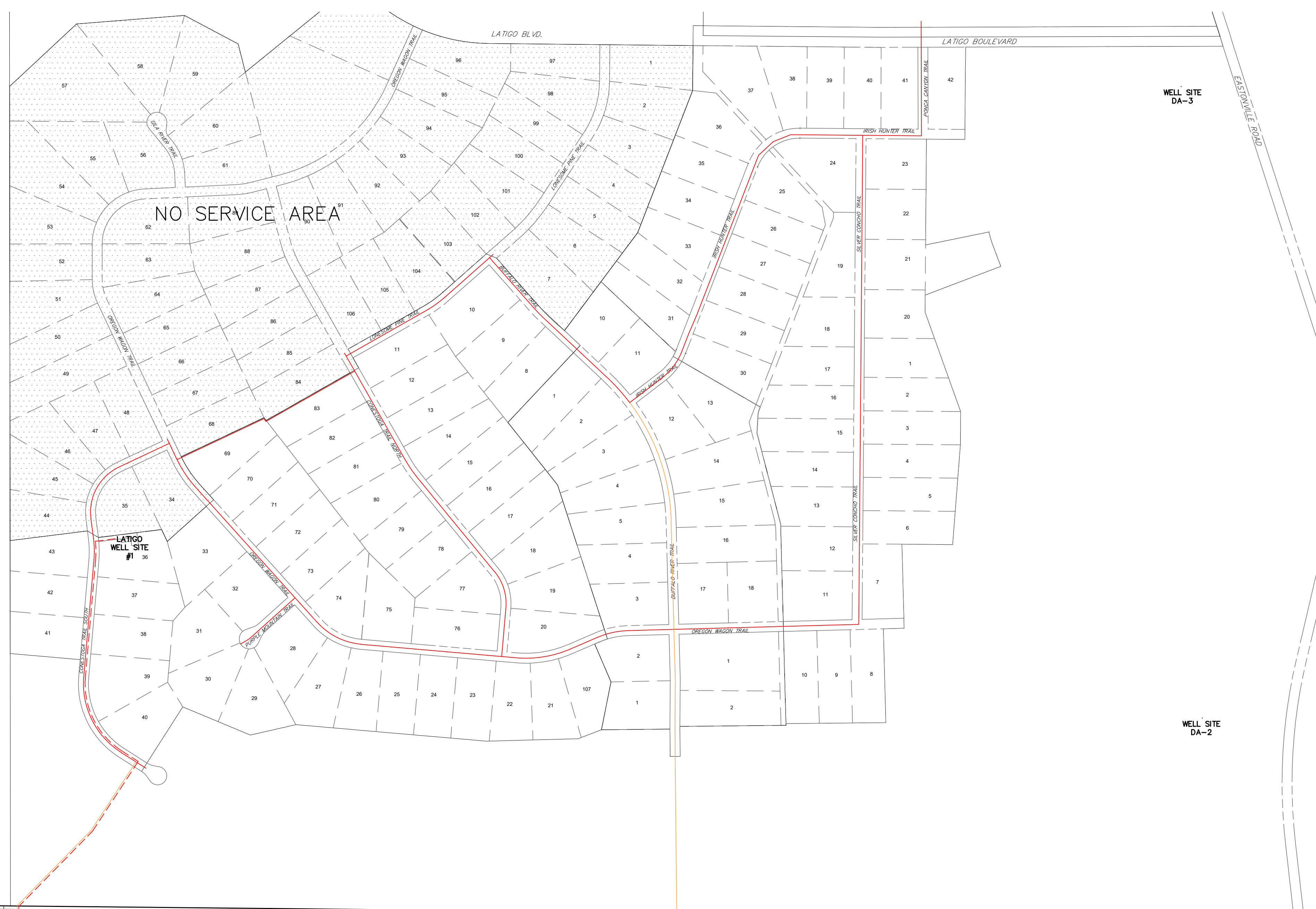
12" RAW WM
TO MSMD &
WHMD

Scale NTS	Drawn by LCG	MSMD & WHMD OFFSITE OVERALL RAW WATER SYSTEM
	Checked by TAK	
	Date APRIL 2021	

MERIDIAN RANCH

TECH CONSTRUCTION CORP. 12311 REX ROAD FALCON, CO 80831									
OFFICE: (719)495-7444 FAX: (719)495-7608									
No.	Revisions	Date	Init.	Appr.	Date				

OVERALL WATER SYSTEM



Scale 1"=400'	Drawn by LQG
Sheet Number 1	Checked by TAK
	Date DECEMBER 2023

**OVERALL
WATER SYSTEM
MSMD**



TECH CONSTRUCTION CORP.
11910 TOURMALINE DR STE 130
FALCON, CO 80831
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NO1					
NO2					
NO3					
NO4					
No.	Revisions	Date	Init.	Appr.	Date