



December 15, 2023

PCD File No.: VR 235

## **Water Resources Report**

Peyton Ranches Filing No. 1C

The following describes the water supply to serve one (1) residential lot on 8.594 acres located within a portion of the southwest one-quarter, of Section 28 and a portion of the northwest one-quarter of Section 33, all in Township 11 South, Range 63 West of the 6th principal meridian in El Paso County, Colorado (Subject Property). This letter is based on the Colorado Ground Water Commission Findings and Order Determination Nos. 3872-BD, 3873-BD, 3874-BD, and 3875-BD, (copies attached), for use of up to two (2) wells in the Laramie-Fox Hills, Arapahoe, Denver, and Dawson aquifers to serve the new Lot 104A, Peyton Ranches Filing No. 1C and the remaining portion of Lot 104, Peyton Ranches for a 300 year water supply period. Allbright Well No. 1 currently exists and is permitted under Permit No. 126158 on the remaining portion of Lot 104, Peyton Ranches. A second well is proposed, and is permitted under permit No. 238977, following platting of the property into one lot. The Denver aquifer will be used for the water supply said future platted one (1) lot. See correspondence from State of Colorado, Office of the State Engineer, dated December 12, 2001. (copy attached).

This report was originally submitted with the title "Water Resources Report, Peyton Ranches Filing No. 1A", and dated February 14, 2023. The proposed plat name was found to be already in use and is now known as Peyton Ranches Filing No. 1C. This Water Resources Report replaces and supersedes the previously submitted report.

### **AMOUNTS AVAILABLE**

The amount of water in storage in the Denver aquifer, underlay the 17.01 acres of overlying land is 810 acre-feet. The new Lot 104A, Peyton Ranches Filing No. 1C, and the remaining portion of Lot 104, Peyton Ranches have each been allocated one-half of the 810 acre-feet or 405 acre-feet, which is 1.35 acre-feet annually (300-year).

The remaining portion of Lot 104, Peyton Ranches is not a part of the proposed vacation and replat and is served by currently constructed Allbright Well No. 1 located withing the remaining property. This report concerns only the new Lot 104A, Peyton Ranches Filing No. 1C. By Colorado Ground Water Commission Determination, annual withdrawals of the To-Be-Constructed Well on proposed Lot 104A, Peyton Ranches Filing No. 1C are from the Denver aquifer (not-nontributary) shall not exceed 1.35 acre feet (439,899 gallons), nor more than 405 acre feet total (300-Year). The State or Division Engineer shall curtail the pumping of more than those amounts from the Denver aquifer.

However, the subject property is also contained withing the Upper Big Sandy Ground Water Management District and subject to the rules and regulations thereof along with the established Water Supply Plan for Peyton Ranches subdivision which limits use to 0.53 acre-feet annually and caps irrigated area at 3,000 sf per lot.

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

### **WATER DEMAND AND SUPPLY**

Lot 104A, Peyton Ranches Filing No.1C will be served by an individual not nontributary Denver aquifer well to be permitted and to operate pursuant to an augmentation plan. The already approved well permit allows the Denver aquifer well to withdraw up to 0.5 acre-foot per year for 300 years for the following uses:

#### **To be constructed Well (Lot 104A, Peyton Ranches Filing No. 1C)**

In-house use: 0.53 acre-feet per year

Irrigation use: 0.17 acre-feet per year limited to irrigation of 3,000 square feet of lawn or garden.

Total amount over 300 years = 300 years x 0.53 acre-foot/year = 159 acre-feet

Total available Denver aquifer water by Ground Water Determination = 405 acre-feet

The water supply for the residential lot using one (1) Denver aquifer wells is sufficient and satisfies the 300 year supply requirement of El Paso County.

The to be constructed well is to have a totalizing flow meter installed and maintained if good working order.

### **AUGMENTATION**

The attached Colorado Ground Water Commission Findings and Order calls for replacement of 4% of well diversions from currently constructed Allbright Well No. 1, and proposed well No. 2.

Depletions caused by pumping water from the Denver aquifer shall be replaced as provided. The augmentation obligation for Allbright Wells No. 1, and proposed well No. 2 are septic return flows from indoor uses. Applicants shall also reserve all of their nontributary Laramie-Fox Hills aquifer water (485 acre-feet). The Augmentation Plan prescribes a pumping period of a minimum of 300 years, as required to meet El Paso County's 300 year water requirement for approval of subdivisions utilizing non-renewable water resources for their source of water supply.

### **WATER QUALITY**

M.V.E., inc. has examined water quality testing results for the existing Allbright Well No. 1. The results can be found in the separate Water Quality Report for Peyton Ranches Subdivision Filing No. 1C.

# 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



December 17, 2001

Bill Owens  
Governor

Greg E. Walcher  
Executive Director

Hal D. Simpson, P.E.  
State Engineer

Mr. Mike Hrebenar  
El Paso County Planning Department  
27 East Vermijo Ave  
Colorado Springs, CO 80903

**Re: Allbright Subdivision- VR-00-024  
SW1/4 of Sec. 28 and NW1/4 of Sec. 33, T11S, R63W, 6th P.M.  
Upper Big Sandy Designated Ground Water Basin  
Upper Black Squirrel Creek Ground Water Basin  
W Division 2, W District 10**

Dear Mr. Hrebenar:

We have reviewed additional information submitted for the above referenced proposal to vacate and replat 17.153 acres (described as Lot 104 of the Peyton Ranches Subdivision) to create two single family residential lots with a size of 8.558 acres for lot 1 and 8.595 acres for lot 2 since our letters dated August 31, 2000 and July 17, 2001. The proposed Water Supply Information Summary indicates no change in the water requirement for each lot. The applicant is still proposing to withdraw 0.63 acre-feet per lot per year for household use and 0.37 acre-feet for irrigation totaling 2 acre-feet for the entire subdivision. Based upon our calculations this amount of water should be enough for household and the irrigation of 7400 square feet of lawn and garden. The applicant has also indicated that this subdivision will have a new individual on lot well constructed into the Denver aquifer for proposed lot 2 and will deepen the existing well with Permit No. 126158 located on proposed lot 1 to withdraw water from the Denver aquifer.

This office has again reviewed the Designated Basin non-tributary ground water map for the Denver aquifer. Based upon this analysis this office has determined that the Denver aquifer underlying the proposed subdivision is not non-tributary ground water located more than one mile of the alluvial aquifer contact. Individual on lot wells can be constructed on both lots to withdraw water from the Denver aquifer and no replacement plan would be required. Only 4% of the water withdrawn must be returned to the uppermost aquifer (Commission Rule 5.3.6.2.(B)) in the location of withdrawal. In addition the above analysis revealed that the Denver aquifer lies at an approximate depth of 380 feet below the ground surface and extends to an approximate depth of 1180 feet. The amount of water available in the Denver aquifer underlying the smallest proposed lot 2 (8.595 acres) is about 415 acre-feet, or about 1.38 acre-feet per year for a 300 year water supply. The proposed use for this new well will be adequate to meet the requirements of the 100 year aquifer pursuant to Section 37-90-107(7) and 37-90-111(5), C.R.S. and the county's 300 year aquifer life requirement.

*Copy to Cole 12-24-01*

**COPY**

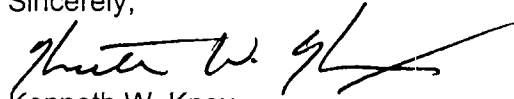
Additionally please note that either the existing well with Permit No. 126158 should be plugged and abandoned and a new well constructed into the Denver aquifer or this existing well must be deepened to withdraw water from the Denver aquifer, with the Dawson aquifer properly sealed off. An unsigned copy of an application to deepen the existing well with Permit No. 126158 was included in the submittal material, however this application must be submitted to this office with the applicant signature and the required \$60 filing fee.

Pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's office offers the opinion that the proposed water supply will not cause material injury to existing water rights and the supply is adequate provided the applicant deepens the existing well with Permit No. 126165 to withdraw water from only the Denver aquifer or constructs a new well to withdraw water from the Denver aquifer.

Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life under the provisions of Sections 37-90-107 (7) and 37-90-111(5), C.R.S. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin Aquifer may be less than 100 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

If you have any questions in this matter, please contact William H. Fronczak of this office.

Sincerely,



Kenneth W. Knox  
Assistant State Engineer

KK/WHF/IC/Allbright.sub

cc: Steve Witte, Division Engineer  
Angela Wingard, Upper Big Sandy GWMD  
Dean Goss, Upper Black Squirrel GWMD  
Designated Basins Branch

# 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

<http://water.state.co.us/default.htm>

July 17, 2001

**RECEIVED**

JUL 19 2001

**Planning Dept.**



Bill Owens  
Governor

Greg E. Walcher  
Executive Director

Hal D. Simpson, P.E.  
State Engineer

Ms. Mike Hrebenar  
El Paso County Planning Department  
27 East Vermijo Ave  
Colorado Springs, CO 80903

**Re: Allbright Subdivision- VR-00-024  
SW1/4 of Sec. 28 and NW1/4 of Sec. 33, T11S, R63W, 6th P.M.  
Upper Big Sandy Designated Ground Water Basin  
Upper Black Squirrel Creek Ground Water Basin  
W Division 2, W District 10**

Dear Mr. Hrebenar:

We have previously reviewed the above referenced proposal to vacate and replat 17.153 acres (described as Lot 104 of the Peyton Ranches Subdivision) to create two single family residential lots with a size of 8.558 acres for Lot 1 and 8.595 acres for Lot 2 by our letter dated August 31, 2000. This time the Water Supply Information Summary indicates that the water requirement for each lot will be 1 acre-foot per year for each lot totaling 2 acre-feet for the subdivision. The applicant is proposing to withdraw 0.63 acre-feet per lot per year for household use and 0.37 acre-feet for irrigation. Based upon our calculations this amount of water should be enough for household and the irrigation of 7400 square feet of lawn and garden. Water is proposed to be supplied from an existing domestic well with Permit No. 126158 located on the proposed Lot 1 and to construct a new domestic well on proposed Lot 2.

Our records indicate that the existing well with Permit No. 126158 is presently permitted for 1 acre-foot per year withdrawing water from the Dawson aquifer. This well Permit allows for domestic purposes within one single family dwelling and the irrigation of 1 acre of lawn or garden. The Dawson aquifer at this location is not non-tributary and lies at an approximate depth of 185 feet below the ground surface and extends to an approximate depth of 360 feet. The amount of water available in the Dawson aquifer underlying the proposed Lot 1 (8.558 acres) is about 148 acre feet, or about 0.49 acre feet per year for a 300 year water supply.

*Copy to Cole*  
*7-19-01*

The proposed use for the well with Permit No. 126158 is adequate to meet the requirements of the 100 year aquifer life pursuant to Sections 37-90-107(7) and 37-90-111(5), C.R.S. but not the county's 300 year aquifer life requirement. Since this well is proposed to be used in a subdivision created after June 1, 1972 as defined by Section 30-28-101(10)(a), C.R.S., the State Engineer under the provisions of Section 37-90-105(3)(c), C.R.S., is required to determine the effect of all wells within the proposed subdivision. This well is constructed in the not non-tributary Dawson aquifer, withdrawal of this well will cause depletions to the over appropriated alluvial aquifer and the Ground Water Commission under rule 5.3.6.2 would require that these depletions be replaced. The applicant must submit a replacement plan to offset depletions within the Dawson aquifer caused by the pumping of this well within the subdivision. As an alternative of the replacement plan the applicant can apply to deepen the existing well to withdraw water from the Denver aquifer underlying proposed Lot 1.

Furthermore the applicant has indicated to use the Denver aquifer for individual on lot well on proposed Lot 2. This office has reviewed the Designated Basin non-tributary ground water map for the Denver aquifer. Based upon this analysis this office has determined that the Denver aquifer underlying proposed lot 2 is not non-tributary ground water located more than one mile of the alluvial aquifer contact. Individual on lot well can be constructed on proposed Lot 2 to withdraw water from the Denver aquifer and no replacement plan would be required. Only 4% of the water withdrawn must be returned to the uppermost aquifer (Commission Rule 5.3.6.2.(B)). In addition the above analysis revealed that the Denver aquifer lies at an approximate depth of 380 feet below the ground surface and extends to an approximate depth of 1180 feet. The amount of water available in the Denver aquifer underlying the proposed Lot 2 (8.595 acres) is about 415 acre-feet, or about 1.38 acre-feet per year for a 300 year water supply. The proposed use for this new well will be adequate to meet the requirements of the 100 year aquifer pursuant to Section 37-90-107(7) and 37-90-111(5), C.R.S. and the county's 300 year aquifer life requirement.

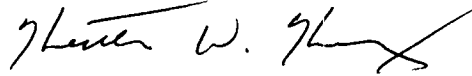
On May 25, 2001 the applicant applied to the State Engineer for a well to be constructed on proposed Lot 2. On June 4, 2001 this office returned the application back to the applicant because this office cannot grant a well permit until a subdivision has been reviewed by this office and it has been determined that no injury will occur to the existing water rights and the supply is adequate.

Therefore, pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's office offer the opinion that the proposed water supply will cause material injury to existing water rights and the supply is inadequate.

Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life under the provisions of Sections 37-90-107 (7) and 37-90-111(5), C.R.S.. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin Aquifer may be less that 100 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

If you have any questions in this matter, please contact William H. Fronczak of this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Knox", with a stylized flourish at the end.

Kenneth W. Knox  
Assistant State Engineer

KK/WHF/IC/Allbright.sub

cc: Steve Witte, Division Engineer  
Angela Wingard, Upper Big Sandy GWMD  
Dean Goss, Upper Black Squirrel GWMD  
Designated Basins Branch

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

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DETERMINATION NO.: 3872-BD

AQUIFER: Laramie-Fox Hills

APPLICANT: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

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In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke ("Applicant") submitted an application to the Colorado Ground Water Commission ("Commission") for a determination of a right to an allocation of designated ground water from the Laramie-Fox Hills Aquifer.

**FINDINGS**

1. The application was received by the Commission on October 1, 2019.
2. The Applicant requests a determination of right to an allocation of designated ground water ("Determination") in the Laramie-Fox Hills aquifer ("Aquifer") underlying 17.01 acres, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., in El Paso County ("Overlying Land"). According to Nontributary Ground Water Landownership Statements dated September 25, 2019 and October 1, 2019, attached hereto as Exhibit A, the Applicant owns the 17.01 acres of land, which are further described in said Ownership Statement, and claims control of the right to the ground water in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated ground water that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the ground water in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the ground water in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; firefighting; equipment washing; and replacement purposes. The Applicant's proposed place of use of the ground water in the Aquifer underlying the Overlying Land is the above described 17.01 acres of Overlying Land.
6. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the ground water in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 17.01 acres of Overlying Land claimed by the Applicant is 485 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.



- a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 15 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 190 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the ground water in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to Section 37-90-107(7)(b), C.R.S., or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to Section 37-90-105, C.R.S. The amount of designated ground water in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 485 acre-feet.
9. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of a right to an allocation shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to Section 37-90-107(7)(d), C.R.S., the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated ground water from the Aquifer. Pursuant to Section 37-90-107(7)(a), C.R.S. the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to Section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to Section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to Section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 485 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 4.85 acre-feet per year.
  - b. Any amounts of ground water in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to Section 37-90-105, C.R.S., by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to Section 37-90-107(7), C.R.S.
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal

and, therefore, the ground water in the Aquifer underlying the Overlying Land is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the ground water in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.

12. Pursuant to Section 37-90-105(1), C.R.S., the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the ground water allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On December 11, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. Written recommendations from the district were received in an email dated January 8, 2020.
15. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 19, 2019 and December 26, 2019. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated ground water in the Laramie-Fox Hills Aquifer underlying 17.01 acres of land, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 17.01 acres of Overlying Land allocated herein is 485 acre-feet ("Underlying Ground Water").
17. The amount (i.e. volume) of Underlying Ground Water allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of Section 37-90-107(7)(d)(II), C.R.S., that requires a determination of ground water to be withdrawn by a well be made prior to the granting of a well permit pursuant to Section 37-90-107(7), C.R.S.
19. Well permits issued pursuant to Section 37-90-107(7), C.R.S., (i.e. large capacity wells) and this Determination are subject to the following conditions.

- a. The total amount of Underlying Ground Water that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 485 acre-feet, less any amount of the Underlying Ground Water allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to Section 37-90-105, C.R.S. after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. No more than 98% of the amount of Underlying Ground Water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Ground Water withdrawn annually is being consumed.
- f. The use of the Underlying Ground Water shall be limited to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; firefighting; equipment washing; and replacement purposes. The place of use of the Underlying Ground Water shall be limited to the above described 17.01 acres of Overlying Land. The Underlying Ground Water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Ground Water is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
- g. The wells must be located on the above described 17.01 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer.

Aquifer: Laramie-Fox Hills

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 17.01 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated ground water determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 20th day of February, 2020.



Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.  
Chief of Water Supply, Designated Basins

Prepared by: idc  
F&O3872-BD.doc

Form GWS-1 (08/2016)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Laramie Fox Hills

I (we) (Please Print) John Anthony Wood and Fridah Joanitah Wood  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.69 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

A portion of Lot 104 in Peyton Ranches, County of El Paso, State of Colorado, more  
particularly described as follows:

Beginning at the Southeast corner of said Lot 104, point also being on the Westerly right  
of way line of Chaparral Loop East; Thence South 88° 47' 23 West, a distance of 630.30  
East; Thence North 05° 29' 10" East, a distance of 606.45 feet; Thence North 86° 05' 01"  
East a distance of 621.78 feet to a point of the said Westerly right of way line; Thence  
continuation along said right of way line the following three (3) courses: 1) Along a non -  
tangential curve tot the right, having a central angle of 10° 48' 13", a radius of 670.00 feet,  
an arc length of 126.33 feet, whose chord bears South 05° 50' 07" West; 2) Thence South  
11° 14' 03" West, a distance of 205.38 feet; 3) Thence along a curve to the left, having a  
central angle of 24° 11' 22", a radius of 730.00 feet, an arc length of 308.20 feet to the  
point of beginning.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

John Wood  
Signature

10/01/2019  
Date

Fridah Wood  
Signature

10/01/2019  
Date

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

Form GWS-1 (08/2016)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman St. Room 821, Denver, CO 80203  
Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**AQUIFER: Laramie Fox Hills

I (we) (Please Print) Thomas E. Burke  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.32 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

Lot 104 of Peyton Ranches except that portion conveyed by Deed at Reception No.  
200111678, better known as 15550 Chaparral Loop E Peyton, CO 80831-9209

I consent to John and Fridah Wood's application for Determination of Groundwater and  
Replacement Plan for re-platting the failed subdivision of the two lots.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

  
Signature

9-25-19  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

---

DETERMINATION NO.: 3873-BD

AQUIFER: Arapahoe

APPLICANT: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

---

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke ("Applicant") submitted an application to the Colorado Ground Water Commission ("Commission") for a determination of a right to an allocation of designated ground water from the Arapahoe Aquifer.

**FINDINGS**

1. The application was received by the Commission on October 1, 2019.
2. The Applicant requests a determination of right to an allocation of designated ground water ("Determination") in the Arapahoe aquifer ("Aquifer") underlying 17.01 acres, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., in El Paso County ("Overlying Land"). According to Nontributary Ground Water Landownership Statements dated September 25, 2019 and October 1, 2019, attached hereto as Exhibit A, the Applicant owns the 17.01 acres of land, which are further described in said Ownership Statement, and claims control of the right to the ground water in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated ground water that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the ground water in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the ground water in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; firefighting; equipment washing; and replacement purposes. The Applicant's proposed place of use of the ground water in the Aquifer underlying the Overlying Land is the above described 17.01 acres of Overlying Land.
6. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the ground water in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 17.01 acres of Overlying Land claimed by the Applicant is 535 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.

- a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 185 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the ground water in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to Section 37-90-107(7)(b), C.R.S., or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to Section 37-90-105, C.R.S. The amount of designated ground water in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 535 acre-feet.
9. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of a right to an allocation shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to Section 37-90-107(7)(d), C.R.S., the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated ground water from the Aquifer. Pursuant to Section 37-90-107(7)(a), C.R.S. the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to Section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to Section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to Section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 535 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 5.35 acre-feet per year.
  - b. Any amounts of ground water in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to Section 37-90-105, C.R.S., by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to Section 37-90-107(7), C.R.S.
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal



Aquifer: Arapahoe

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

and, therefore, the ground water in the Aquifer underlying the Overlying Land is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the ground water in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.

12. Pursuant to Section 37-90-105(1), C.R.S., the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the ground water allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On December 11, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. Written recommendations from the district were received in an email dated January 8, 2020.
15. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 19, 2019 and December 26, 2019. No objections to the application were received within the time limit set by statute.

### **ORDER**

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated ground water in the Arapahoe Aquifer underlying 17.01 acres of land, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 17.01 acres of Overlying Land allocated herein is 535 acre-feet ("Underlying Ground Water").
17. The amount (i.e. volume) of Underlying Ground Water allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of Section 37-90-107(7)(d)(II), C.R.S., that requires a determination of ground water to be withdrawn by a well be made prior to the granting of a well permit pursuant to Section 37-90-107(7), C.R.S.
19. Well permits issued pursuant to Section 37-90-107(7), C.R.S., (i.e. large capacity wells) and this Determination are subject to the following conditions.

Aquifer: Arapahoe

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- a. The total amount of Underlying Ground Water that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 535 acre-feet, less any amount of the Underlying Ground Water allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to Section 37-90-105, C.R.S. after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. No more than 98% of the amount of Underlying Ground Water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Ground Water withdrawn annually is being consumed.
- f. The use of the Underlying Ground Water shall be limited to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; firefighting; equipment washing; and replacement purposes. The place of use of the Underlying Ground Water shall be limited to the above described 17.01 acres of Overlying Land. The Underlying Ground Water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Ground Water is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
- g. The wells must be located on the above described 17.01 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.

Aquifer: Arapahoe

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 17.01 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated ground water determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 20th day of February, 2020.



Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.  
Chief of Water Supply, Designated Basins

Form GWS-1 (08/2016)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Arapahoe

I (we) (Please Print) John Anthony Wood and Fridah Joanitah Wood  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.69 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

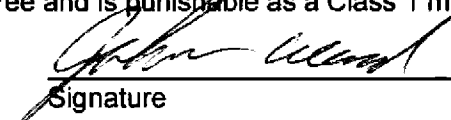

A portion of Lot 104 in Peyton Ranches, County of El Paso, State of Colorado, more  
particularly described as follows:

Beginning at the Southeast corner of said Lot 104, point also being on the Westerly right  
of way line of Chaparral Loop East; Thence South 88° 47' 23 West, a distance of 630.30  
East; Thence North 05° 29' 10" East, a distance of 606.45 feet; Thence North 86° 05' 01"  
East a distance of 621.78 feet to a point of the said Westerly right of way line; Thence  
continuation along said right of way line the following three (3) courses: 1) Along a non -  
tangential curve tot the right, having a central angle of 10° 48' 13", a radius of 670.00 feet,  
an arc length of 126.33 feet, whose chord bears South 05° 50' 07" West; 2) Thence South  
11° 14' 03" West, a distance of 205.38 feet; 3) Thence along a curve to the left, having a  
central angle of 24° 11' 22", a radius of 730.00 feet, an arc length of 308.20 feet to the  
point of beginning.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

 _____ Signature	<u>10/01/2019</u> _____ Date
 _____ Signature	<u>10/01/2019</u> _____ Date

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

Exhibit A  
3873-BD  
Page 2 of 2

Form GWS-1 (08/2016)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Arapahoe

I (we) (Please Print) Thomas E. Burke

claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.32 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

Lot 104 of Peyton Ranches except that portion conveyed by Deed at Reception No.  
200111678, better known as 15550 Chaparral Loop E Peyton, CO 80831-9209

I consent to John and Fridah Wood's application for Determination of Groundwater and Replacement Plan  
for re-platting the failed subdivision of the two lots.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

  
Signature

9-25-19  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

---

DETERMINATION NO.: 3874-BD

AQUIFER: Denver

APPLICANT: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

---

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke ("Applicant") submitted an application to the Colorado Ground Water Commission ("Commission") for a determination of a right to an allocation of designated ground water from the Denver Aquifer.

**FINDINGS**

1. The application was received by the Commission on October 1, 2019.
2. The Applicant requests a determination of right to an allocation of designated ground water ("Determination") in the Denver aquifer ("Aquifer") underlying 17.01 acres, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., in El Paso County ("Overlying Land"). According to Nontributary Ground Water Landownership Statements dated September 25, 2019 and October 1, 2019, attached hereto as Exhibit A, the Applicant owns the 17.01 acres of land, which are further described in said Ownership Statement, and claims control of the right to the ground water in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated ground water that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the ground water in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the ground water in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; fire fighting; equipment washing; and replacement purposes. The Applicant's proposed place of use of the ground water in the Aquifer underlying the Overlying Land is the above described 17.01 acres of Overlying Land.
6. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the ground water in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 17.01 acres of Overlying Land claimed by the Applicant is 810 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.

Aquifer: Denver

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 280 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the ground water in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to Section 37-90-107(7)(b), C.R.S., or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to Section 37-90-105, C.R.S. The amount of designated ground water in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 810 acre-feet.
9. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of a right to an allocation shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to Section 37-90-107(7)(d), C.R.S., the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated ground water from the Aquifer. Pursuant to Section 37-90-107(7)(a), C.R.S. the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to Section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to Section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to Section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 810 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 8.1 acre-feet per year.
  - b. Any amounts of ground water in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to Section 37-90-105, C.R.S., by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to Section 37-90-107(7), C.R.S.
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and,

Aquifer: Denver

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

therefore, the ground water in the Aquifer underlying the Overlying Land is considered to be not-nontributary ground water. Also, the location of the land claimed by the Applicant is farther than one mile from the Aquifer contact with the alluvium. Pursuant to the Rules, at least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.

12. Pursuant to Section 37-90-105(1), C.R.S., the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the ground water allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On December 11, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. Written recommendations from the district were received in an email dated January 8, 2020.
15. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 19, 2019 and December 26, 2019. No objections to the application were received within the time limit set by statute.

### ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated ground water in the Denver Aquifer underlying 17.01 acres of land, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 17.01 acres of Overlying Land allocated herein is 810 acre-feet ("Underlying Ground Water").
17. The amount (i.e. volume) of Underlying Ground Water allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of Section 37-90-107(7)(d)(II), C.R.S., that requires a determination of ground water to be withdrawn by a well be made prior to the granting of a well permit pursuant to Section 37-90-107(7), C.R.S.



Aquifer: Denver

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

19. Well permits issued pursuant to Section 37-90-107(7), C.R.S., (i.e. large capacity wells) and this Determination are subject to the following conditions.

- a. The total amount of Underlying Ground Water that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 810 acre-feet, less any amount of the Underlying Ground Water allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to Section 37-90-105, C.R.S. after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. At least four percent (4%) of the amount of Underlying Ground Water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
- f. The use of the Underlying Ground Water shall be limited to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; fire fighting; equipment washing; and replacement purposes. The place of use of the Underlying Ground Water shall be limited to the above described 17.01 acres of Overlying Land. The Underlying Ground Water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Ground Water is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
- g. The wells must be located on the above described 17.01 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Denver Aquifer.

Aquifer: Denver

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 17.01 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated ground water determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 20th day of February, 2020.



Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.  
Chief of Water Supply, Designated Basins

Prepared by: idc  
F&O3874-BD.doc

Form GWS-1 (08/2016)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Denver

I (we) (Please Print) John Anthony Wood and Fridah Joanitah Wood  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.69 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

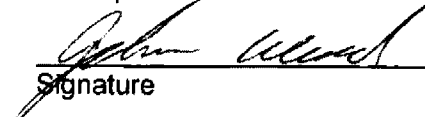

A portion of Lot 104 in Peyton Ranches, County of El Paso, State of Colorado, more  
particularly described as follows:

Beginning at the Southeast corner of said Lot 104, point also being on the Westerly right  
of way line of Chaparral Loop East; Thence South 88° 47' 23 West, a distance of 630.30  
East; Thence North 05° 29' 10" East, a distance of 606.45 feet; Thence North 86° 05' 01"  
East a distance of 621.78 feet to a point of the said Westerly right of way line; Thence  
continuation along said right of way line the following three (3) courses: 1) Along a non -  
tangential curve tot the right, having a central angle of 10° 48' 13", a radius of 670.00 feet,  
an arc length of 126.33 feet, whose chord bears South 05° 50' 07" West; 2) Thence South  
11° 14' 03" West, a distance of 205.38 feet; 3) Thence along a curve to the left, having a  
central angle of 24° 11' 22", a radius of 730.00 feet, an arc length of 308.20 feet to the  
point of beginning.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

<u></u> Signature	<u>10/01/2019</u> Date
<u> Wood</u> Signature	<u>10/01/2019</u> Date

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

Exhibit A  
3874-BD  
Page 2 of 2

Form GWS-1 (08/2016)

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Denver

I (we) (Please Print) Thomas E. Burke  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.32 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

Lot 104 of Peyton Ranches except that portion conveyed by Deed at Reception No.  
200111678, better known as 15550 Chaparral Loop E Peyton, CO 80831-9209

I consent to John and Fridah Wood's application for Determination of Groundwater and Replacement Plan  
for re-platting the failed subdivision of the two lots.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

  
Signature

9-25-19  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

---

DETERMINATION NO.: 3875-BD

AQUIFER: Dawson

APPLICANT: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

---

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke ("Applicant") submitted an application to the Colorado Ground Water Commission ("Commission") for a determination of a right to an allocation of designated ground water from the Dawson Aquifer.

**FINDINGS**

1. The application was received by the Commission on October 1, 2019.
2. The Applicant requests a determination of right to an allocation of designated ground water ("Determination") in the Dawson aquifer ("Aquifer") underlying 17.01 acres, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., in El Paso County ("Overlying Land"). According to Nontributary Ground Water Landownership Statements dated September 25, 2019 and October 1, 2019, attached hereto as Exhibit A, the Applicant owns the 17.01 acres of land, which are further described in said Ownership Statement, and claims control of the right to the ground water in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated ground water that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the ground water in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the ground water in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; fire fighting; equipment washing; and replacement purposes. The Applicant's proposed place of use of the ground water in the Aquifer underlying the Overlying Land is the above described 17.01 acres of Overlying Land.
6. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the ground water in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 17.01 acres of Overlying Land claimed by the Applicant is 476 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.

Aquifer: Dawson

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 20 percent.
  - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 140 feet.
8. A review of the records in the Office of the State Engineer has disclosed that a well operating pursuant to Section 37-90-105, C.R.S., (i.e. a small-capacity well), permit no. 126158, is located on the Overlying Land and is permitted to withdraw 1 acre-feet per year of ground water from the Aquifer from beneath the Overlying Land. The amount of water considered to be withdrawn from the aquifer by this well over a period equal to an aquifer life of one hundred years is 100 acre-feet. In applying Rule 5.3.2.4 of the Designated Basin Rules to computing the amount of water available for allocation in this Determination, the amount of ground water in the Aquifer underlying the Overlying Land available for allocation in this Determination is reduced by 100 acre-feet to 376 acre-feet. Except for that well, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the Aquifer underlying the Overlying Land.
9. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of a right to an allocation shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to Section 37-90-107(7)(d), C.R.S., the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated ground water from the Aquifer. Pursuant to Section 37-90-107(7)(a), C.R.S. the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to Section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to Section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to Section 37-90-107(7)(a) , C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 376 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 3.76 acre-feet per year.
  - b. Any amounts of ground water in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to Section 37-90-105, C.R.S., by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to Section 37-90-107(7), C.R.S.

Aquifer: Dawson

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water in the Aquifer underlying the Overlying Land is considered to be not-nontributary ground water. Withdrawal of water from the Aquifer underlying the Overlying Land would impact the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators, is required prior to approval of well permits for wells to be located on this land area to withdraw the ground water in the Aquifer underlying the Overlying Land.
12. Pursuant to Section 37-90-105(1), C.R.S., the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the ground water allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On December 11, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. Written recommendations from the district were received in an email dated January 8, 2020.
15. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 19, 2019 and December 26, 2019. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated ground water in the Dawson Aquifer underlying 17.01 acres of land, generally described as Lot 104 in Peyton Ranches Subdivision, more specifically located in the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 17.01 acres of Overlying Land allocated herein is 376 acre-feet ("Underlying Ground Water").
17. The amount (i.e. volume) of Underlying Ground Water allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information

obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.

18. Approval of this Determination meets the requirements of Section 37-90-107(7)(d)(II), C.R.S., that requires a determination of ground water to be withdrawn by a well be made prior to the granting of a well permit pursuant to Section 37-90-107(7), C.R.S.
19. Well permits issued pursuant to Section 37-90-107(7), C.R.S., (i.e. large capacity wells) and this Determination are subject to the following conditions.
  - a. The total amount of Underlying Ground Water that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 376 acre-feet, less any amount of the Underlying Ground Water allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to Section 37-90-105, C.R.S. after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
  - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
  - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
  - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
  - e. Commission approval of a replacement plan, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators in the alluvial aquifer, is required prior to approval of well permits that allow the withdraw of the Underlying Ground Water.
  - f. The use of the Underlying Ground Water shall be limited to the following beneficial uses: domestic uses; lawn, garden and greenhouse irrigation; livestock and domestic animals watering; fire fighting; equipment washing; and replacement purposes. The place of use of the Underlying Ground Water shall be limited to the above described 17.01 acres of Overlying Land. The Underlying Ground Water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Ground Water is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.



Aquifer: Dawson

Applicant: John Anthony Wood and Fridah Joanitah Wood and Thomas E. Burke

- g. The wells must be located on the above described 17.01 acres of Overlying Land.
  - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - i. The wells must be constructed to withdraw water from only the Dawson Aquifer.
  - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 17.01 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated ground water determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 20th day of February, 2020.



Kevin G. Rein, P.E.  
Executive Director  
Colorado Ground Water Commission

By: 

Keith Vander Horst, P.E.  
Chief of Water Supply, Designated Basins

Form GWS-1 (08/2016)

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Phone (303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us)

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Dawson

I (we) (Please Print) John Anthony Wood and Fridah Joanitah Wood,  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
8.69 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

A portion of Lot 104 in Peyton Ranches, County of El Paso, State of Colorado, more  
particularly described as follows:

Beginning at the Southeast corner of said Lot 104, point also being on the Westerly right  
of way line of Chaparral Loop East; Thence South  $88^{\circ} 47' 23''$  West, a distance of 630.30  
feet; Thence North  $05^{\circ} 29' 10''$  East, a distance of 606.45 feet; Thence North  $86^{\circ} 05' 01''$   
East a distance of 621.78 feet to a point of the said Westerly right of way line; Thence  
continuation along said right of way line the following three (3) courses: 1) Along a non -  
tangential curve to the right, having a central angle of  $10^{\circ} 48' 13''$ , a radius of 670.00 feet,  
an arc length of 126.33 feet, whose chord bears South  $05^{\circ} 50' 07''$  West; 2) Thence South  
 $11^{\circ} 14' 03''$  West, a distance of 205.38 feet; 3) Thence along a curve to the left, having a  
central angle of  $24^{\circ} 11' 22''$ , a radius of 730.00 feet, an arc length of 308.20 feet to the  
point of beginning.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying  
the above described land has not been reserved by another, nor has consent been given to  
another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form  
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-  
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the  
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-  
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second  
degree and is punishable as a Class 1 misdemeanor.

John Wood  
Signature

10/1/2019  
Date

Fridah Wood  
Signature

10/01/2019  
Date

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

Exhibit A  
3875-BD  
Page 2 of 2

Form GWS-1 (08/2016)

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**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Dawson

I (we) (Please Print) Thomas E. Burke

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 8.32 acres in the County of El Paso, State of Colorado, as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the land is located. (insert the property's legal description)

Lot 104 of Peyton Ranches except that portion conveyed by Deed at Reception No. 200111678, better known as 15550 Chaparral Loop E Peyton, CO 80831-9209

I consent to John and Fridah Wood's application for Determination of Groundwater and Replacement Plan for re-platting the failed subdivision of the two lots.

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying the above described land has not been reserved by another, nor has consent been given to another for the right to its withdrawal.

**NOTE:** A completed "Nontributary Landownership or Consent Verification of Notice" form (GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a Class 1 misdemeanor.

  
Signature

9-29-17  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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



**ORIGINAL PERMIT APPLICANT(S)**

CANDIE L MACON

HAL MACON

**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:         PEYTON RANCHES

Lot: 104

Block:

Filing:

Physical Address:    N/A

NW 1/4 NW 1/4 Section 33 Township 11.0 S Range 63.0 W Sixth P.M.

**UTM COORDINATES (Meters, Zone: 13, NAD83)**

Easting:      547053.0      Northing:      4323118.0

**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) The irrigated area shall not exceed 1 acre of lawn and garden.
- 3) Water from this well may be used for domestic purposes inside 1 single family dwelling, and the watering of the owner's own large non-commercial domestic animals.
- 3) Approved pursuant to CRS 37-90-105 for a well on a tract of land of 8.69 acres described as (South) Lot 104 of the Peyton Ranches Subdivision, El Paso County.
- 4) The pumping rate of this well shall not exceed 15 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 0.5 acre-feet.
- 6) Production is limited to the Denver aquifer which is located 380 feet below land surface and extends to a depth of 1180 feet. 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.
- 7) This well shall be constructed within 300 feet of the location specified on this permit.
- 8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least monthly) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Division of Water Resources upon request.

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 permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. An extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us>

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.

WELL PERMIT NUMBER 306566-

RECEIPT NUMBER 3681083

NOTE: This permit has been approved with a change to the permit application as submitted by the applicant. The annual appropriation has been reduced to comply with the District rules which include restrictions on the Dawson aquifer. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)



Date Issued: 8/17/2017

Expiration Date: 8/17/2019

Issued By SHANNON PORTER

**PERMIT HISTORY**

12-10-2018 CHANGE IN OWNER NAME/MAILING ADDRESS