



# WATER RESOURCES REPORT

## ELK VIEW ESTATES

Old Ranch Road,  
Colorado Springs, CO 80908

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PREPARED FOR:  
**Elk Ridge Developments, LLC**  
**10548 Odin Dr.**  
**Colorado Springs, CO 80924**

PREPARED BY:  
**Galloway & Company, Inc.**  
**1155 Kelly Johnson Blvd., Suite 305**  
**Colorado Springs, CO 80920**

DATE:  
**June 2026**



## I. **INTRODUCTION**

### 1. **General:**

This report is being prepared as the Water Resources Report associated with the **Elk View Estates** development located on Old Ranch Road, El Paso County, Colorado, approximately 1,600 feet west of Milam Rd./Union Blvd. A Vicinity Map outlining the location of the project is included in **Appendix A** of this report.

### 2. **Project Description:**

This property is located directly north of Old Ranch Road and directly east of a private road known as Studebaker (approximately 0.7 miles east of Howells Rd and 0.3 miles west of Milam Rd./Union Blvd.). The property is currently a vacant 17.05-acre parcel zoned RR-2.5 (Rezone approved October 9, 2025) and is identified with the El Paso County Assessor with Schedule Number 6223000044. The parcel is situated in the SW1/4SE1/4 of Section 23, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M. The legal description is included below. The adjacent properties consist of unplatted residential parcels ranging from 1-acre to 20-acres in size with most being 2.5-5 acres. The existing conditions of this parcel and the adjacent parcels are largely native with the residences and related access being the only significant improvements. The existing topography of this parcel gradually slopes from the north to the south and west with stormwater runoff discharging from the site in the southwest corner. The parcel is located within a Zone X Floodplain designation as defined in FEMA FIRM number 08041C0526G with an effective date of 12/07/2018.

The proposed project consists of creating six residential parcels ranging from 2.5-acres to 4.6 acres in size. Included with the proposed development is a common private road along the east side of the project terminating with a cul-de-sac in the north central area for the project. The full 17.05-acres will be divided into residential parcels and applicable easements will be included for access. The six residential parcels will be serviced with individual wells and On-Site Wastewater Treatment Systems.

For additional reference, The Legal Description of the site is (as provided by Rocky Mountain Land Services):

#### Parcel A:

The east half of the southeast quarter of the southwest quarter of the southeast quarter, except the south 30 feet thereof, and the southwest quarter of the southeast quarter of the southwest quarter of the southeast quarter, except the south 30 feet thereof, all in Section 23, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado.

#### Parcel B:

The northeast quarter of the southwest quarter of the southeast quarter of Section 23, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado.

### 3. Purpose and Scope:

The purpose of this report is to evaluate the use of the existing and proposed wells to supply the water necessary for this development. This report is supplemental to the Final Plat Application for the project referenced above.

## II. WATER SUPPLY

The proposed subdivision will be fully supplied by individual wells, respective to each lot. Currently, there are no municipal or public water supply systems in the vicinity of the project site.

### 1. Adjudicated Water Rights

Water supply for the proposed Elk View Estates development is provided through adjudicated Denver Basin groundwater rights pursuant to the Water Court decree in Case No. 25CW3026, dated December 4, 2025. The recorded water decree (12/04/2025) is included in **Appendix B**. The decree quantifies groundwater underlying approximately 17.05 acres and authorizes use of water from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers.

<b>Aquifer</b>	<b>Classification</b>	<b>Total Volume (AF)</b>	<b>Avg. Annual (100-yr)</b>
Dawson	Not-Nontributary	392	3.92 AF/yr
Denver	Not-Nontributary	1,014	10.14 AF/yr
Arapahoe	Not-Nontributary	812	8.12 AF/yr
Laramie-Fox Hills	Nontributary	486	4.86 AF/yr

The decree lists the uses as a combination of domestic, irrigation, domestic animal and stock watering, agricultural, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. While these uses are listed in the decree, it is intended that the uses will largely be focused on typical domestic uses with minimal irrigation. Fire storage is addressed with a common cistern for the development, detached and isolated from any of the proposed wells.

## 2. Existing Wells

There is currently a single permitted well within the project boundary. The well permit number with the Colorado Division of Water Resources is No. 324442. According to the recorded decree, this well has not been construction pursuant to the permit number and will either expire or be re-permitted.

## 3. Proposed Wells

The subdivision plan is for each lot to have an individual well. The decree authorizes construction of up to six (6) non-exempt wells (referred to as the “Elk Ridge Wells”) to withdraw groundwater from the Denver aquifer. The proposed wells will withdraw from the Denver aquifer.

- The proposed wells are restricted to 0.26 AF/year/well (1.56 AF/yr collectively)
- 1.56 AF/yr equates to 468 AF for the 300 yr lifetime.
- Maximum pump rate of 100 gpm/well

## 4. Depletions

The recorded decree indicates the withdrawals from the Denver aquifer will result in stream depletions that must be replaced in accordance with State law and the decreed plan for augmentation. The decree establishes the depletion obligation that 4% of the annual withdrawal must be replaced for Denver aquifer pumping. This equates to 0.06 acre-feet per year at full buildout.

## 5. Augmentation

A court approved augmentation plan is included in the recorded decree. During active pumping, depletions are replaced by return flows from non-evaporative septic systems, as described below:

- Indoor water use is estimated at 0.2 AF/year per lot (1.2 AF/year total)
- Approximately 90% of indoor use returns to the stream system via septic systems
- 1.08 AF/year returned to the system

Additionally, post-pumping is addressed by reserving the entirety of the nontributary Laramie-Fox Hills right (486 ac-ft). After permitted consumption, the nontributary right is sufficient to replace post-pumping depletions of 468 ac-ft from the Denver aquifer over 300 year.

## 6. Water Quality

There is no existing well available within this property to obtain water quality samples. The Denver aquifer is well established as being suitable for potable use with only in-house treatment. Treatment considerations should be based on actual water sampled after the individual well is constructed. Typical treatment includes measures for sulfates, hardness, and iron.

### **III. CONCLUSIONS**

The proposed 17.2 acre, 6 lot subdivision does not have access to public water system to service the development. The subdivision plans to use individual wells as its water supply. The applicant has secured water rights, represented by the included decree. The recorded decree allows for 6 individual domestic wells and shows sufficient water supply to meet the 300-year criteria.

As a whole, the proposed Elk View Estates development has access to sufficient water supply to support needs of proposed development and the individual wells.

# APPENDIX A





ELK VIEW ESTATES  
 -  
 OLD RANCH ROAD  
 -  
 VICINITY MAP

Project No:	ERD01
Drawn By:	SBN
Checked By:	JAO
Date:	06/2025

**Galloway**

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## APPENDIX B



<p><b>DISTRICT COURT, WATER DIVISION 2, STATE OF COLORADO</b>          Court Address: 501 North Elizabeth Street,          Suite 116          Pueblo, CO 81003          Phone Number: (719) 404-8832</p>	<p>DATE FILED          December 4, 2025 7:49 AM          CASE NUMBER: 2025CW3026</p>
<p><b>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</b>   <b>ELK RIDGE DEVELOPMENTS, LLC</b>   <b>IN EL PASO COUNTY, CO</b></p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr/> <p>Case No.: 25CW3026           Ctrm.:</p>
<p style="text-align: center;"><b>FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, AND DECREE OF WATER COURT: ADJUDICATING DENVER BASIN GROUNDWATER AND APPROVING PLAN FOR AUGMENTATION</b></p>	

THIS MATTER comes before the Water Court on the Application filed by Elk Ridge Developments, LLC. Having reviewed said Application and other pleadings on file, and being fully advised on this matter, the Water Court makes the following findings and orders:

**FINDINGS OF FACT**

1. The applicant in this case is Elk Ridge Developments, LLC (“Applicant”). Applicant’s address is 10548 Odin Drive, Colorado Springs, Colorado 80924. The Applicant is the owner of the land totaling approximately 17.05 acres on which the structures sought to be adjudicated and augmented herein will be located, and under which lies the Denver Basin groundwater described in this decree, and is the owner of the place of use where the water will be put to beneficial use, except for any potential off-property uses as described in Paragraph 16.

2. The Applicant filed the application with the Division 2 Water Court on May 30, 2025. The Applicant filed an amended application on June 4, 2025 to correct a typo and include additional location information. Together the application and amended application are referred to herein as the “Application.” The Application was referred to the Water Referee in Division 2 on May 20, 2025.

3. The time for filing statements of opposition to the Application expired on the last day of July, 2025. No statements of opposition were filed in this matter.

4. Applicant filed a Proof of Notice to Lienholder in this matter on July 21, 2025, in compliance with the notice requirement of C.R.S. §§ 37-92-302(2)(b) and 37-90-

137(4)(b.5)(I).

5. The Clerk of this Court has caused publication of the Application filed in this matter as provided by statute and the publication costs have been paid. On June 16, 2025, proof of publication in *The Colorado Springs Gazette* was filed with the Division 2 Water Court. All notices of the Application have been given in the manner required by law.

6. Pursuant to C.R.S. § 37-92-302(2), the Office of the State Engineer prepared Determination of Facts for each Denver Basin aquifer and filed such with this Court on August 14, 2025, which have been considered by the Water Court in the entry of this decree.

7. Pursuant to C.R.S. § 37-92-302(4), the Office of the Division Engineer for Water Division No. 2 filed its Consultation Report on September 19, 2025, and a response to the Consultation Report was not required by the Water Court. The Consultation Report has been considered by the Water Court in the entry of this decree.

8. The Water Court has jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated groundwater basin.

## GROUNDWATER RIGHTS

9. The Application requested quantification and adjudication of vested underground water rights from the Denver Basin aquifers underlying the Applicant's property described in Paragraph 12, below, and use of the Elk Ridge Wells for withdrawal of Applicant's full entitlement of supply from the Denver aquifer under the plan for augmentation decreed herein. Applicant also requested quantification and adjudication of vested underground water rights and uses from the Dawson, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant's property. The following findings are made with respect to such underground water rights and use of wells on the Applicant's property.

10. The land overlying the groundwater subject to the adjudication in this case is owned by the Applicant and consists of approximately 17.05 acres listed under current El Paso County Schedule Number 6223000044 and is specifically described as the E1/2 of the SE1/4 of the SW1/4 of the SE1/4 except the South 30 feet, the SW1/4 of the SE1/4 of the SW1/4 of the SE1/4 except for the South 30 feet, and the NE1/4 of the SW1/4 of the SE1/4 of Section 23, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado and shown on the attached **Exhibit A** ("Applicant's Property"). All groundwater adjudicated herein shall be withdrawn from the overlying land unless there

is a further order of this Court allowing otherwise following the filing of a new Water Court application.

11. Proposed Wells: Subject to the requirements of this decree, Applicant is awarded the vested right to use up to six wells, along with any replacement or supplemental wells associated with said structures for the extraction and use of groundwater from the not-nontributary Denver aquifer, pursuant to the plan for augmentation decreed herein ("Elk Ridge Wells"). Upon entry of this decree and submittal by the Applicant of a complete well permit application and filing fee, the State Engineer shall issue well permits for the Elk Ridge Wells, pursuant to C.R.S. § 37-90-137(4), consistent with and referencing the plan for augmentation decreed herein. There is currently an exempt well permit issued for the Applicant's Property under Division of Water Resources Permit No. 324442. Such well has not been constructed and will not be constructed pursuant to permit number. Applicant will either allow the issued permit to expire or re-permit the well to operate pursuant to the plan for augmentation set forth herein.

12. Of the statutorily described Denver Basin aquifers, the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers all exist beneath the Applicant's Property. The Dawson, Denver, and Arapahoe aquifers underlying the Applicant's Property contain not-nontributary groundwater, while the Laramie-Fox Hills aquifer groundwater underlying the Applicant's Property is nontributary. The quantity of water in the Denver Basin aquifers, exclusive of artificial recharge, underlying the Applicant's Property is as follows:

Aquifer	Net Sand (ft)	Total Withdrawal (Acre-Feet)	Annual Average Withdrawal Over 100 Years (Acre-Feet)	Annual Average Withdrawal Over 300 Years (Acre-Feet)
Dawson (NNT)	115	392	3.92	N/A
Denver (NNT)	350	1,014	10.14	3.38
Arapahoe (NNT)	280	812	8.12	N/A
Laramie-Fox Hills (NT)	190	486	4.86	1.62

13. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer requires the replacement to the affected stream systems of actual stream depletions on an annual basis. The augmentation requirements for the Denver and Arapahoe aquifers requires the replacement of four percent (4%) of the water withdrawn annually. Applicant shall not be entitled to construct a non-exempt well or use water from the not-nontributary Dawson, Denver, or Arapahoe aquifers except pursuant to an approved augmentation plan in accordance with C.R.S. § 37-90-137(9)(c.5),

including as decreed herein as concerns the Denver aquifer.

14. Subject to the augmentation requirements described in Paragraphs 13 and 20 and the other requirements and limitations in this decree, Applicant shall be entitled to withdraw all legally available groundwater in the Denver Basin aquifers underlying Applicant's Property. Said amounts may be withdrawn over the 100-year life for the aquifers as set forth in C.R.S. § 37-90-137(4), or withdrawn over a longer period of time based upon local governmental regulations or Applicant's water needs, provided withdrawals during such longer period are in compliance with the total amounts available to Applicant as decreed herein and the augmentation requirements of this decree. The average annual amounts of groundwater available for withdrawal from the underlying Denver Basin aquifers, based upon 100-year and 300-year aquifer life calculations, are determined and set forth above, based upon the August 14, 2025, Office of the State Engineer Determination of Facts, described in Paragraph 6.

15. Applicant shall be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed herein from the Denver Basin aquifers underlying Applicant's Property, so long as the sum of the total withdrawals from wells in each of the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of the decree herein, whichever comes first, and the average annual volume of water that Applicant is entitled to withdraw from each of the aquifers underlying Applicant's Property, subject to the requirement that such banking and excess withdrawals do not violate the terms and conditions of the plan for augmentation decreed herein and any other plan for augmentation decreed by the Court that authorizes withdrawal of the Denver Basin groundwater decreed herein.

16. Subject to the terms and conditions in the plan for augmentation decreed herein and final approval by the State Engineer's Office pursuant to the issuance of well permits in accordance with C.R.S. §§ 37-90-137(4) or 37-90-137(10), Applicant shall have the right to use the ground water from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, domestic animal and stock watering, agricultural, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. The amount of groundwater decreed for such uses upon the Applicant's Property is reasonable as such uses are to be made for the long-term use and enjoyment of the Applicant's Property and are to establish and provide for adequate water reserves. The nontributary groundwater may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the limitations imposed on the use of the Laramie-Fox Hills aquifer groundwater by this decree and the requirement under C.R.S. § 37-90-137(9)(b) that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided however, as set forth above, Applicant shall only be entitled to construct a non-exempt

well and use water from the not-nontributary Dawson, Denver, or Arapahoe aquifers pursuant to a decreed augmentation plan entered by the Court, including the plan for augmentation decreed herein for the Denver aquifer.

17. Applicant has waived the 600-foot well spacing requirement for wells to be constructed upon the Applicant's Property. Pumping from Elk Ridge Wells or any other wells constructed to the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers will not exceed 100 g.p.m., though actual pumping rates for these wells will vary according to aquifer conditions and well production capabilities. Subject to this maximum pumping rate, the Applicant may withdraw groundwater from the Elk Ridge Wells at rates of flow necessary to withdraw the entire amounts decreed herein. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions.

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

### **PLAN FOR AUGMENTATION**

19. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation obligation for the Elk Ridge Wells requires replacement of four percent (4%) of the amount of water withdrawn on an annual basis, and such additional amounts as may be required pursuant to C.R.S. § 37-90-137(9)(c.5). The water to be used for augmentation during pumping is the non-evaporative septic system return flows of the not-nontributary Elk Ridge Wells to be pumped as set forth in this plan for augmentation. The water to be used for augmentation of depletions following the pumping period described in this decree is the reserved portion of Applicant's nontributary water rights in the Laramie-Fox Hills aquifer as described in Paragraph 19.D. Applicant shall provide for the augmentation of stream depletions caused by pumping Denver aquifer water from the Elk Ridge Well. Water use criteria are determined as follows:

A. Use: The Elk Ridge Wells will each pump a maximum total of 0.26 acre-feet of water from the Denver aquifer annually (collectively 1.56 annual acre-feet) during the pumping period (468 acre-feet total) pursuant to the plan for augmentation authorized by this decree. Such use shall be a combination of domestic, irrigation, domestic animal and stock watering, agricultural, commercial, fire protection, and also for storage and augmentation purposes associated with such uses.

B. Depletions: Pumping from the Denver aquifer will require replacement of four percent (4%) of the amount of water withdrawn on an annual basis over the 300-year pumping period. Four percent (4%) of the annual pumping amounts to

0.06 acre-feet of required annual replacement. Should Applicant's pumping be less than the 1.56 annual acre-feet described herein, resulting depletions and required replacements will be correspondingly reduced.

C. Augmentation of Depletions During Pumping Life of Well: Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace four percent (4%) of the amount of water withdrawn on an annual basis. The annual consumptive use for non-evaporative septic systems is estimated at 10% per year. At an indoor use rate of 0.2 acre-feet per lot for a combined total of 1.2 acre-feet per year for the six lots, 1.08 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. These calculations of non-evaporative septic system return flows from indoor use show that depletions that result from pumping the annual amounts described in Paragraphs 19. A. and B. will be adequately replaced during the pumping period for the Elk Ridge Wells under the plan for augmentation. Applicant has shown that, provided water is delivered for indoor use and treated as required by this decree, depletions during pumping will be effectively replaced by indoor use return flows from non-evaporative septic systems.

D. Augmentation of Post Pumping Depletions: This plan for augmentation shall have a pumping period of 300 years. For the replacement of any post-pumping depletions which may be associated with the use of the Elk Ridge Wells, Applicant shall reserve the entirety of the nontributary Laramie-Fox Hills decreed herein (486 acre-feet). The amount of nontributary Laramie-Fox Hills aquifer groundwater reserved may be reduced as may be determined through this Court's retained jurisdiction as described in this decree. If the Court, by order, reduces the Applicant's obligation to account for and replace such post-pumping depletions for any reason, it may also reduce the amount of Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. Applicant also reserves the right to substitute other legally available augmentation sources for such post-pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post-pumping depletions will be noninjurious. Applicant plans to pump an absolute total amount of 468 acre-feet of not-nontributary groundwater from the Denver aquifer. Pursuant to C.R.S. § 37-90-137(9)(b), no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. Of the reserved nontributary groundwater available for post-pumping depletions, there is 476.28 acre-feet from the Laramie-Fox Hills aquifer available for post-pumping augmentation water, which will be sufficient to replace post-pumping depletions from pumping a total of 468 acre-feet from the Denver aquifer over 300 years.

E. Permit: Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive well permits for the Elk Ridge Wells, for the uses in accordance with this decree and otherwise in compliance with C.R.S. § 37-90-137.

20. This decree, upon recording, shall constitute a covenant running with Applicant's Property, benefitting and burdening said land, and requiring construction of well(s) to the nontributary Laramie-Fox Hills aquifer and pumping of water to replace post-pumping depletions under this decree. Subject to the requirements of this decree, in order to determine the amount and timing of post-pumping replacement obligations under this augmentation plan, Applicant or its successors shall use information commonly used by the Colorado Division of Water Resources for augmentation plans of this type at the time the post-pumping obligation commences. Pursuant to this covenant, the water from the nontributary Laramie-Fox Hills aquifer reserved herein may not be severed in ownership from the Applicant's Property. This covenant shall be for the benefit of, and enforceable by, third parties owning vested water rights who would be injured by the failure to provide for the replacement of post-pumping depletions under the decree, and shall be specifically enforceable by such third parties against the owner of the Applicant's Property.

21. Applicant or its successors shall be required to initiate pumping from the Laramie-Fox Hills aquifer for the replacement of post-pumping depletions when either: (i) the absolute total amount of water available from the Denver aquifer allowed to be withdrawn under the plan for augmentation decreed herein (468 acre-feet) has been pumped; (ii) the Applicant or its successors in interest have acknowledged in writing that all withdrawals for beneficial use through any of the Elk Ridge Wells have permanently ceased; (iii) a period of 10 consecutive years where no withdrawals of groundwater from any of the Elk Ridge Wells has occurred; or (iv) accounting shows that recharge accretions from the use of the water being withdrawn are insufficient to replace depletions caused by the withdrawals that already occurred.

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

23. The term of this augmentation plan is for a minimum of 300 years, however, the length of the plan for a particular well or wells may be extended beyond such time provided the total plan pumping allocated to such well or wells is not exceeded. Should the actual operation of this augmentation plan depart from the planned diversions described in Paragraph 19.A. such that annual diversions are increased through banking or the duration of the plan is extended, Applicant must prepare and submit a revised model of stream depletions caused by the actual pumping or intended schedule. This analysis must utilize depletion modeling acceptable to the State Engineer, and to this Court, and must represent the water use under the plan for the entire term of the plan to date. The analysis must show that recharge accretions have equaled or exceeded stream

depletions throughout the pumping period and that reserved nontributary water remains sufficient to replace post-pumping depletions. The Applicant shall provide notice of the revised model submissions to the State Engineer, this Court, and the State Engineer will have thirty-five (35) days for review and comment about the revised modeling, upon which, the Applicant will be allowed thirty-five (35) days to respond to the comments of the State Engineer. After this notice and comment period, if the revised depletion modeling is acceptable to the State Engineer, this Court may give approval for the extension of this augmentation plan past the 300-year minimum.

24. Consideration has been given to the depletions from Applicant's use and proposed uses of water, in quantity, time, and location, together with the amount and timing of augmentation water that will be provided by the Applicant, and the existence, if any, of injury to any owner of or person entitled to use water under a vested water right.

25. It is determined that the timing, quantity, and location of replacement water under the protective terms in this decree are sufficient to protect the vested rights of other water users and eliminate injury thereto. The replacement water shall be of a quantity and quality so as to meet the requirements for which the water of senior appropriators has normally been used, and provided of such quality, such replacement water shall be accepted by the senior appropriators for substitution for water derived by the exercise of the Elk Ridge Wells. As a result of the operation of this plan for augmentation, the depletions from pumping the Elk Ridge Wells will not result in injury to the vested water rights of others.

### **CONCLUSIONS OF LAW**

26. The Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation was filed with the Water Clerk for Water Division 2, pursuant to C.R.S. §§ 37-92-302(1)(a) and 37-90-137(9)(c.5).

27. The Applicant's request for adjudication of the groundwater rights is contemplated and authorized by law, and this Court has exclusive jurisdiction over these proceedings. C.R.S. §§ 37-92-302(1)(a), 37-92-203, and 37-92-305.

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

29. Applicant has complied with C.R.S. § 37-90-137(4), and the groundwater is legally available for withdrawal by the requested nontributary well(s), and legally available for withdrawal by the requested not-nontributary well(s) upon the entry of this decree approving a plan for augmentation pursuant to C.R.S. § 37-90-137(9)(c.5), and the

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

30. The Denver Basin water rights applied for in this case are not conditional water rights, but are vested water rights determined pursuant to C.R.S. § 37-90-137(4). No applications for diligence are required. The claims for nontributary and not-nontributary groundwater meet the requirements of Colorado Law.

31. The determination and quantification of the nontributary and not-nontributary groundwater rights in the Denver Basin aquifers as set forth herein is contemplated and authorized by law. C.R.S. §§ 37-90-137, and 37-92-302 through 37-92-305.

32. The Applicant's request for approval of a plan for augmentation is contemplated and authorized by law. If administered in accordance with this decree, this plan for augmentation will permit uninterrupted diversions from the Elk Ridge Wells without adversely affecting any other vested water rights in the Arkansas River or its tributaries and when curtailment would otherwise be required to meet a valid senior call for water. C.R.S. §§ 37-92-305(3), (5), and (8).

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

33. All of the foregoing Findings of Fact and Conclusions of Law are incorporated herein by reference, and are considered to be a part of this decretal portion as though set forth in full.

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

A. Applicant is awarded a vested right to 392 acre-feet of groundwater from the not-nontributary Dawson aquifer underlying Applicant's Property, as quantified in Paragraph 12 or as modified by the Court under its retained jurisdiction. However, none of the not-nontributary Dawson aquifer groundwater vested and decreed shall be withdrawn for any purpose except pursuant to a separate court-approved plan for augmentation authorizing the pumping of such amount.

B. Applicant is awarded a vested right to 1,014 acre-feet of groundwater from the not-nontributary Denver aquifer underlying Applicant's Property, as quantified in Paragraph 12 or as modified by the Court under its retained jurisdiction. Of the total 1,014 acre-feet of Denver aquifer groundwater adjudicated herein, Applicant may pump a total of 468 acre-feet pursuant to the plan for augmentation decreed herein.

No portion of the remaining 546 acre-feet of Denver aquifer groundwater vested and decreed herein shall be withdrawn for any purpose except pursuant to a separate court-approved plan for augmentation authorizing pumping of such amount.

C. Applicant is awarded a vested right to 812 acre-feet of groundwater from the not-nontributary Arapahoe aquifer underlying Applicant's Property, as quantified in Paragraph 12 or as modified by the Court under its retained jurisdiction. However, none of the not-nontributary Arapahoe aquifer groundwater vested and decreed shall be withdrawn for any purpose except pursuant to a separate court-approved plan for augmentation authorizing the pumping of such amount.

D. Applicant is awarded a vested right to 486 acre-feet of groundwater from the nontributary Laramie-Fox Hills aquifer underlying Applicant's Property, as quantified in Paragraph 12 or as modified by the Court under its retained jurisdiction. Subject to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent (98%) of the amount withdrawn, and the other terms and conditions of this decree, including the reservation of the entire 486 acre-feet awarded to be utilized only for replacement of post-pumping depletions under the plan for augmentation decreed herein, as described in Paragraph 19.D.

35. Applicant has furnished acceptable proof as to all claims and, therefore, the Application for Adjudication of Denver Basin Groundwater and Plan for Augmentation, filed by the Applicant, is granted and approved in accordance with the terms and conditions of this decree. Approval of this Application will not result in any injury to senior vested water rights.

36. Applicant shall comply with C.R.S. § 37-90-137(9)(b), requiring the relinquishment of the right to consume two percent (2%) of the amount of the nontributary groundwater withdrawn annually. Ninety-eight percent (98%) of the nontributary groundwater withdrawn annually may therefore be consumed. No plan for augmentation shall be required to provide for such relinquishment. Applicant shall be required to demonstrate to the State Engineer prior to the issuance of a well permit that no more than ninety-eight percent (98%) of the groundwater withdrawn annually will be consumed.

37. The Elk Ridge Wells shall be operated such that combined pumping from all wells does not exceed the annual (1.56 acre-feet) and total (468 acre-feet) pumping limits for the Denver aquifer as decreed herein, and is in accordance with the requirements of the plan for augmentation described herein. Consistent with Rule 11.A of the Statewide Nontributary Ground Water Rules, the Denver Basin groundwater decreed herein must be withdrawn from the "overlying land" as defined in Rule 4.A.8 of the Statewide Nontributary Ground Water Rules, and the Elk Ridge Wells shall be constructed on the overlying land. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water by the Elk Ridge

Wells so long as the return flows from the annual diversions associated with the Elk Ridge Wells accrue to the stream system pursuant to the conditions contained herein. To the extent that Applicant or one of its successors or assigns is ever unable to provide the replacement water required, then the Elk Ridge Wells shall not be entitled to operate under the protection of this plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulations of the State of Colorado. Pursuant to C.R.S. § 37-92-305(8), the State Engineer shall curtail all out-of-priority diversions the depletions from which are not so replaced as to prevent injury to vested water rights. In order for this plan for augmentation to operate, accretions from the non-evaporative septic systems shall at all times during pumping be in an amount sufficient to replace the amount of stream depletions from pumping the Elk Ridge Wells and cannot be sold, leased, or otherwise used for any purpose inconsistent with the augmentation plan decreed herein. Applicant shall be required to have a well pumping from the Denver aquifer on the Applicant's Property, providing water to a non-evaporative septic system required under this decree, prior to pumping water from that same well for any of the other uses identified in Paragraphs 16 or 19.A.

38. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristics, and the Applicant need not file a new application to request such adjustments. The retained jurisdiction described in this Paragraph 38 is applicable only to the quantities of water available underlying Applicant's Property, and does not affect or include the plan for augmentation decreed herein, the retained jurisdiction for which is described in Paragraph 39, below.

A. At such time as adequate data may be available, Applicant or the State Engineer may invoke the Court's retained jurisdiction as provided in this Paragraph 38 for purposes of making a final determination of water rights as to the quantities of water available and allowed average annual withdrawals from any of the Denver Basin aquifers quantified and adjudicated herein. Any person seeking to invoke the Court's retained jurisdiction for such purpose shall file a verified petition with the Court setting forth with particularity the factual basis for such final determination of Denver Basin water rights under this decree, together with the proposed decretal language to effect the petition. Within four months of the filing of such verified petition, the State Engineer's Office shall utilize such information as available to make a final determination of water rights finding, and shall provide such information to the Court, Applicant, and the petitioning party.

B. If no protest is filed with the Court to such findings by the State Engineer's Office within sixty-three (63) days, this Court shall incorporate by entry of an Amended Decree such "final determination of water rights," and the provisions of this Paragraph 38 concerning adjustments to the Denver Basin groundwater rights based upon local aquifer conditions shall no longer be applicable. In the event of a protest being

timely filed, or should the State Engineer's Office make no timely determination as provided in Paragraph 38.A., above, the "final determination of water rights" sought in the petition may be made by the Water Court after notice to all parties and following a full and fair hearing, including entry of an Amended Decree, if applicable in the Court's reasonable discretion.

39. Pursuant to C.R.S. § 37-92-304(6), this plan for augmentation decreed herein shall be subject to the reconsideration of this Court on the question of injury to vested water rights of others, for a period from the date of entry of this decree until five years following the date that Applicants begin operation of the plan for augmentation based on the subdivision of the Applicants' Property and withdrawal of water from the Elk Ridge Wells. Applicant shall file a notice with the Court confirming the start of operations under the plan for augmentation within thirty-five (35) days of the start date. Any person, within such period, may petition the Court to invoke its retained jurisdiction. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for requesting that the Court reconsider injury to petitioner's vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof of going forward to establish a prima facie case based on the facts alleged in the petition. If the Court finds those facts are established, Applicants shall thereupon have the burden of proof to show: (i) that the petitioner is not injured, or (ii) that any modification sought by the petitioner is not required to avoid injury to the petitioner, or (iii) that any term or condition proposed by Applicants in response to the petition does avoid injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert injury to the vested water rights of others. If no petition concerning the subject of the Court's retained jurisdiction described in this paragraph 39 is filed within the period described in this paragraph, and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, the matter described in this paragraph shall become final under its own terms. The Court does retain continuing jurisdiction for the purpose of determining compliance with the terms of the plan for augmentation and, as pertains to the Denver Basin groundwater supplies, the Court shall retain continuing jurisdiction for so long as Applicant is required to replace depletions to the Arkansas River system. Additionally, the Court further retains continuing jurisdiction should the Applicants later seek to amend this decree by seeking to prove that post-pumping depletions are noninjurious, that the extent of replacement for post-pumping depletions is less than the amount of water reserved herein, and other post-pumping matters addressed in Paragraph 19.D.

40. Pursuant to C.R.S. § 37-92-502(5)(a), Applicant shall install and maintain such water measurement devices and recording devices as are deemed necessary by the State Engineer or Division Engineers, and the same shall be installed and operated in accordance with instructions from said entities. Applicant is to install and maintain a totalizing flow meter on the Elk Ridge Wells and is required to include geophysical logging

on each newly constructed well. Applicant shall read and record the well meter readings on October 31st of each year and shall submit the meter readings to the Division Engineer or their representative by November 15th of each year, or more frequently as requested by the Water Commissioner or Division Engineer.

41. The Ruling of Referee, when entered as a decree of the Water Court, shall be recorded in the real property records of El Paso County, Colorado. Copies of this ruling shall be mailed as provided by statute.

DATED: November 5, 2025.

BY THE REFEREE:



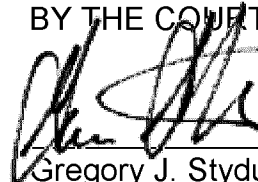

Kate Brewer, Water Referee  
 Water Division 2

### JUDGMENT AND DECREE OF THE WATER COURT

No protest to the Ruling of the Water Referee was filed in this matter. The Court hereby confirms and approves the foregoing Ruling of the Water Referee and enters the same as the Judgment and Decree of this Court.

Date: December 4, 2025.

BY THE COURT:




Gregory J. Styduhar  
 Water Judge  
 Water Division 2



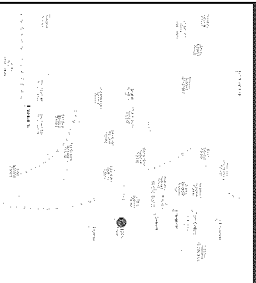
**COLORADO'S**  
Decision Support Systems  
CM/CB / DWR

# EXHIBIT A - Elk Ridge Developments Aerial



- Legend**
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  - Section
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  - 11:59 AM
  - 1025 County

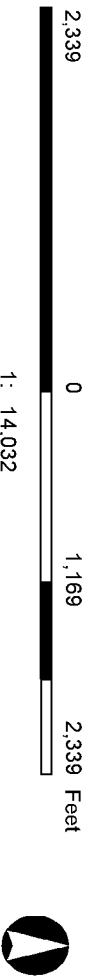
**Location**



**Notes**

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

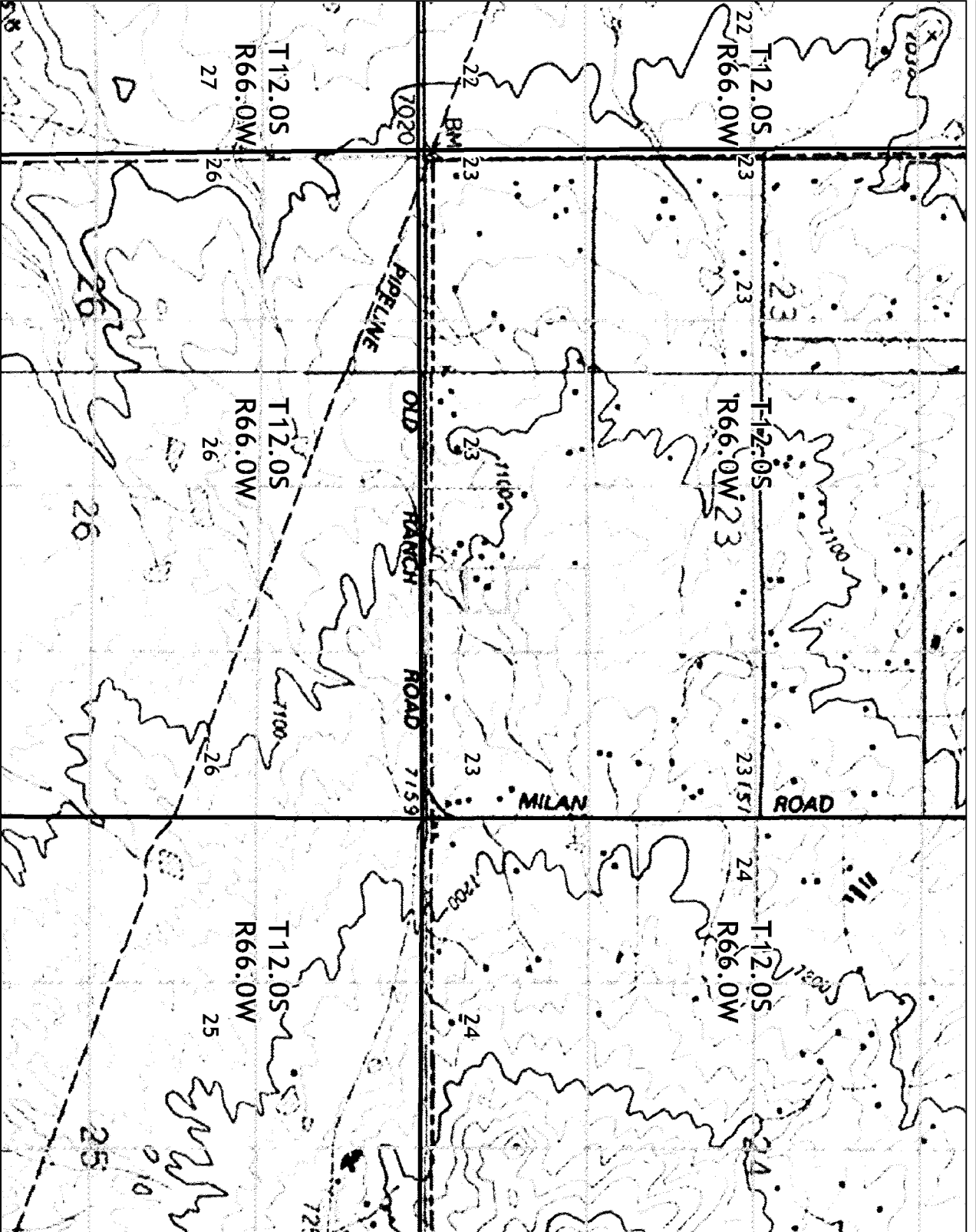
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**COLORADO'S**  
Decision Support Systems  
CWCRC / DWS

# EXHIBIT A - Elk Ridge Developments Topo



1: 14,032



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Date Prepared: 5/27/2025 12:4

- Legend**
- Township
  - Section
  - Q40
  - County

**Location**

**Notes**