

WATER RESOURCES REPORT

for

***William Guman and Associates, Ltd.
Esteban Rodriguez Subdivision***

EPC Parcels #: 4300000534, 4300000537, 4300000538

June 2023

Prepared By:



William Guman and Associates, Ltd.
ESTEBAN RODRIGUEZ SUBDIVISION
Southeast Corner Judge Orr Road & Elbert Road

EPC PARCELS # 4300000534, 4300000537, 4300000538

WATER RESOURCES REPORT

JUNE 2023

Prepared for:

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Appendix B – Water Supply Information Summary – SEO Form

Appendix C – Determinations and Decrees

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1.0 INTRODUCTION AND EXECUTIVE SUMMARY

The purpose of this report is to address the specific water needs of a proposed subdivision of Parcel # 4300000534, 4300000537, 4300000538 in El Paso County, CO.

EXECUTIVE SUMMARY: The proposed water rights and augmentation plan would be sufficient to meet the needs of one hundred forty-four (144) residential lots and three (3) commercial parcels proposed for the subdivision on a 300-year basis.

2.0 PROJECTED LAND USES

2.1 *Projected Land Uses*

This report pertains to the existing three parcels totaling 493.21 acres, that are proposed to be divided into one-hundred and forty-four (144) residential lots and three (3) commercial parcels covering 18.83 acres. Please refer to the *Land Use Exhibit* in **Appendix A**.

3.0 WATER NEEDS AND PROJECTED DEMANDS

3.1 *Water Demand Summary*

It is anticipated that the proposed one hundred forty-four (144) residential lots and three (3) commercial lots (featuring up to 123,035 ft² of commercial building space) will have a combined water demand of 55.354 AF/year. The proposed one hundred forty-four (144) residences will use approximately 41.472 AF/year for domestic (0.26 AF/year/residence) and irrigation (assuming 500 ft² of lawn and garden) applications. The three commercial lots are anticipated to use 13.838 AF/year to satisfy indoor (13.782 AF/yr for 123,035 ft² of commercial building space) and irrigation (assuming 1,000 ft²) demands. All water demands are anticipated to be met using residential and commercial wells drilled into the not-nontributary Denver aquifer. These demand estimates are based upon information provided by the *Replacement Plan Application GWS-69* for the Brent Houser Enterprises, LLC, located in **Appendix C**. Also note that the property lies within the boundary of the Upper Black Squirrel Creek Designated Basin. Estimated water demands and wastewater loads are shown Table 3-1 below:

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

Water						Wastewater
# of SFEs	Annual Indoor Use 0.26 (AF/YR/SFE)	Average Daily Indoor Use (GPD)	Irrigation 0.0566 (AF/1,000 SF)	Domestic Watering 0.011 (AF/Horse/Year)	Total Indoor, Watering, & Irrigation (AF)	ADF (@ 90% Indoor Use) (GPD)
144	Note 1 37.440	33424	Note 2 4.075	Note 3 0.000	41.515	30082
# of Commercial Buildings	Total Sq Ft	Annual Indoor Use (GPD/FT 2)	Average Daily Indoor Use (GPD)	Total Irrigation (AF/1,000 SF)	Total Commercial & Irrigation (AF)	ADF (@ 90% Indoor Use) (GPD)
2-5	123,035	Note 4 13.782	12304	Note 5 0.057	13.838	11073
Total					55.354	41155

Note 1: **Per 8.4.7(B)(7)(d) of the EPC Land Development Code**

Note 2: **Assuming 500 ft² of lawn/garden/trees**

Note 3: **Assume 0 large animals per lot**

Note 4: **Per 8.4.7(B)(7)(d) of the EPC Land Development Code**

Note 5: **Assuming 1000 ft² of lawn/trees**

3.2 Unit Water User Characteristics

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

3.3 Demand versus Supply

An overall demand of 55.354 acre-feet for the proposed subdivision is less than the amount of supply proposed out of the not-nontributary Denver Aquifer. The applicant has a determination of water right within a designated basin using Determination 459-BD. The applicant is applying for a replacement plan using form GWS-69 for Brent Houser Enterprises, LLC out of the Denver aquifer.

Overall supplies out of the Denver Aquifer were determined in Determination No. 459-BD, in which the land comprising the Esteban Rodriguez Subdivision were part of. Pro-rated volumes out of the Denver aquifer below the Esteban Rodriguez Subdivision were estimated in Exhibit D of the proposed replacement plan contained in form GWS-69. Estimated volume of 300-year water supply available out of the Denver Aquifer using the SB-5 model is assumed to be 55.90 AF/year as shown in Exhibit D of the Replacement Plan application. Note that once the decrees are issues for the replacement plan, they will be added to the water resources report.

4.0 WATER RIGHTS AND SUPPLY

4.1 Water Rights

Water rights, determinations, and replacement plan have been applied for as shown in **Appendix C**. Table 4-1 below summarizes the information from said water rights applications and pending determinations (as Shown in Exhibit D of the replacement plan application contained in form GWS-69).

Table 4-1: Water Rights Summary

Esteban Rodriguez Subdivision
Overall Water Supply Inventory

Land Formation/ Aquifer	Determination	Tributary Status	Area	Total Decreed Water	Annual Allocation 100-Year	Annual Allocation 300-Year
			(Acres)	(AF)	(AF/Year)	(AF/Year)
Dawson	N/A	NNT	493.21	N/A	N/A	N/A
Denver ¹	459-BD	NNT	493.21	16,769	167.69	55.90
Arapahoe	458-BD	NT	493.21	19,067	190.67	63.56
Laramie-Fox Hills	459-BD	NT	493.21	15,891	158.91	52.97
Total Legal Supply					517.27	172.42
					<i>100-Year</i>	<i>300-Year</i>

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

¹ Denver aquifer allocations previously adjudicated as part of Determination No. 459-BD

Appendix C, the following conditions are allowed for the subject property:

- Water may be withdrawn through the existing well on-site (Permit # 316614), as well as allowing up to one hundred forty-three new additional

wells (all new and existing wells will be allotted 0.288 AF/year per residential well). Existing and new wells will be drilled into the Denver Aquifer and will be developed on the subject property. The original permit number to operate the existing well is contained in **Appendix C**.

- Existing wells (Permit # 316614) must be re-permitted.
- Each residential well can use 0.26 AF/year for in-house use and 0.028 AF/year for other uses, which include the irrigation of up to 500 square feet per lot of landscape and/or limited crops. Total water allotted per well is 0.288 AF/year and a total of 41.515 AF/year for the residential portion of the subdivision.
- The proposed commercial wells can use up to 13.782 AF/year for indoor uses and another 0.057 AF/year to irrigate up to 1,000 ft² of garden and grass total.
- All wells are to be drilled to the Denver aquifer. All wells to be metered.
- The type of use to which the Denver water pumped must be used for domestic indoor use, indoor and outdoor irrigation, and commercial, pursuant to the augmentation plan.

4.2 *Adequacy of Water Rights*

Current water rights are adequate for buildout demands of one hundred forty-four (144) residential lots and three commercial lots to meet 2040 and 2060 buildout projections on a 300-year basis.

Denver Basin water supplies for the larger Robert C. Norris Family Trust were previously adjudicated in Determination No. 459-BD, of which the proposed Esteban Rodriguez Subdivision, comprised of 493.21-acres, is part of. Of note, the proposed Esteban Rodriguez Subdivision also located within the Upper Black Squirrel Creek Designated Basin. Of the formations located below the Esteban Rodriguez Subdivision, only the Denver is considered not-nontributary while the Arapahoe, and Laramie Fox-Hills aquifers are considered non-tributary. The applicant intends to acquire the rights to draw water from the three listed formations, though only the use from the Denver requires an augmentation and replacement plan for all uses. The application has also submitted Form GWS-69 with associated support documentation to obtain a replacement plan defining required return flows to augment depletions from the alluvium through pumping of the not-nontributary Denver Aquifer. All associated applications, forms, and documentation are included in **Appendix C**:

- There is estimated to be 55.90 AF/year available on a 300-year supply basis out of the Denver Formation, which is greater than the estimated annual demand of 55.354 AF-year for all one hundred forty-four (144) residential lots and three commercial lots. These demands will be served by Denver Aquifer wells as needed.

- Assuming a 0.26 AF/yr domestic use per resident for indoor uses (*per 8.4.7(B)(7)(d) of the EPC Land Development Code*) with 90% return flows through the non-evaporative septic system per resident, this results in a 0.234 AF/yr return flow back through the septic system per resident, or 33.70 AF/year total for the one hundred forty-four residences. In addition, assuming 90% of all indoor flows through the commercial properties will return to the aquifer through the non-evaporative septic system, approximately 12.40 AF/year of the 13.838 AF/year demanded by the commercial properties will also return to the aquifer. This results in a total return flow of 46.1 AF/year available to replace maximum depletions to the alluvium.
- The property is located within a 4% depletion area of the not-nontributary Denver aquifer. Assuming annual pumping of 55.354 AF/year out of the Denver formation at full build-out, annual depletions to the alluvium are expected to reach 2.214 AF/year. As estimated above, return flows to the alluvium from the development are estimated to reach 46.1 AF/year, which is well in excess of the estimated depletions at maximum pumping by year 300. These estimates are included in the proposed replacement plan as submitted in Form GWS-69, with the associated documentation. The documents are included in **Appendix C**.

Conclusion:

The proposed water rights, once acquired following approval of all water rights applications, will be adequate to meet the estimated overall demand and resulting alluvial depletions of 2.214 acre-feet/year for one hundred forty-four (144) residential lots and three (3) commercial parcels.

4.3 *Description of Proposed Water Rights*

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

Non-Renewable Denver Basin Supply

The Denver Basin is a vast, deep-rock aquifer that stretches from southeast of Colorado Springs to Greeley, and from the base of the front range to the eastern end of Elbert County. Rights granted in the Denver basin are based on the ownership of the surface property – the larger the parcel, the larger the allocation. This Denver aquifer is fairly shallow in this area as the Denver Basin outcropping in this area does not include the Dawson aquifer.

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

The subject property was granted water rights in the three Denver Basin formations as shown in **Table 4-1** above.

5.0 WATER SYSTEM FACILITIES AND PHYSICAL SUPPLY

5.1 *Source of Supply*

Supply for the one hundred forty-four (144) residential lots and three (3) commercial parcels will be met with future or existing wells completed in the Denver aquifer. There is one existing well (Permit # 316614) that is currently drilled into the Denver formation. Any new wells will be drilled, screened, test-pumped, and completed in accordance with the Colorado Division of Water Resources rules and regulations.

5.2 *Water Treatment*

Water from the well located in EPC parcel number 4300000537 was tested on 04/03/23 for constituents required by El Paso County regulations for a confined aquifer. Any desired treatment of existing and future wells will rely on the individual homeowners as this is not considered a *Community System* by the Colorado Department of Public Health and Environment.

5.3 *Water Storage*

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

5.4 *Distribution, Pumping, and Transmission Lines*

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

5.5 *Water Quality*

The water quality in the Denver aquifer formation in this area has typically been suitable for residential potable use. Water samples were obtained from the existing well located in EPC parcel number 4300000537, Peyton, Colorado (well permit #316614) obtained via an exterior stock water tap on this property. Water samples were obtained from this tap on 04/03/2023, with water quality testing performed by Colorado Analytical Laboratories and Hazen Research, Inc., per the El Paso County Land Development Code section 8.4.7(B). The final results from this water quality testing can be found in **Appendix D**. All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs).

Because of the absence of any and all evidence of fecal contamination in the form of E. Coli or Total Coliform, or that all sampled and analyzed constituents were below all primary and secondary standards the proposed water source emanating from the Dawson Aquifer is deemed safe for public consumption.

6.0 EL PASO COUNTY MASTER PLANNING ELEMENTS

6.1 *County Water Master Plan 2040 and 2060 Projections*

The subject property lies within the El Paso County Water Master Planning area, Region #3.

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

Expected buildout of the subject property are one hundred forty-four (144) total lots and three commercial properties. Demands for the entire subdivision are listed in Section 3.0 of this report, which include a total demand of 55.354 AF/year as described in Form GWS-69 and the proposed documentation.

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

Per El Paso County criteria, the 300-year supply of water for the subject property appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. However, the proposed supply in the Denver aquifer is based on non-renewable sources.

If needed beyond the 300-year supply, the subdivision has nontributary water rights in the Arapahoe and Laramie-Fox Hills formations. In addition, the Esteban Rodriguez Subdivision may also elect to connect the existing Saddlehorn Ranch Metro District for Central Water System supplies if the existing non-tributary Denver Aquifer does not have sufficient water to meet projected full build-out demands.

6.4 *Water System Interconnects*

The closest source for a potential interconnect is the Saddlehorn Ranch Metro District— approximately 0.5 miles to the west. Saddlehorn Ranch Metro District does include central water service which is sized to serve the existing demands within its service area.

It is not anticipated (and Saddlehorn Ranch Metro District has not been contacted) that an interconnect is needed or warranted to supply water to the Esteban Rodriguez Subdivision. However, if Denver supplies are not sufficient to provide adequate water supply to the Esteban Rodriguez Subdivision, an interconnect with the Saddlehorn Ranch Metro District may be considered.

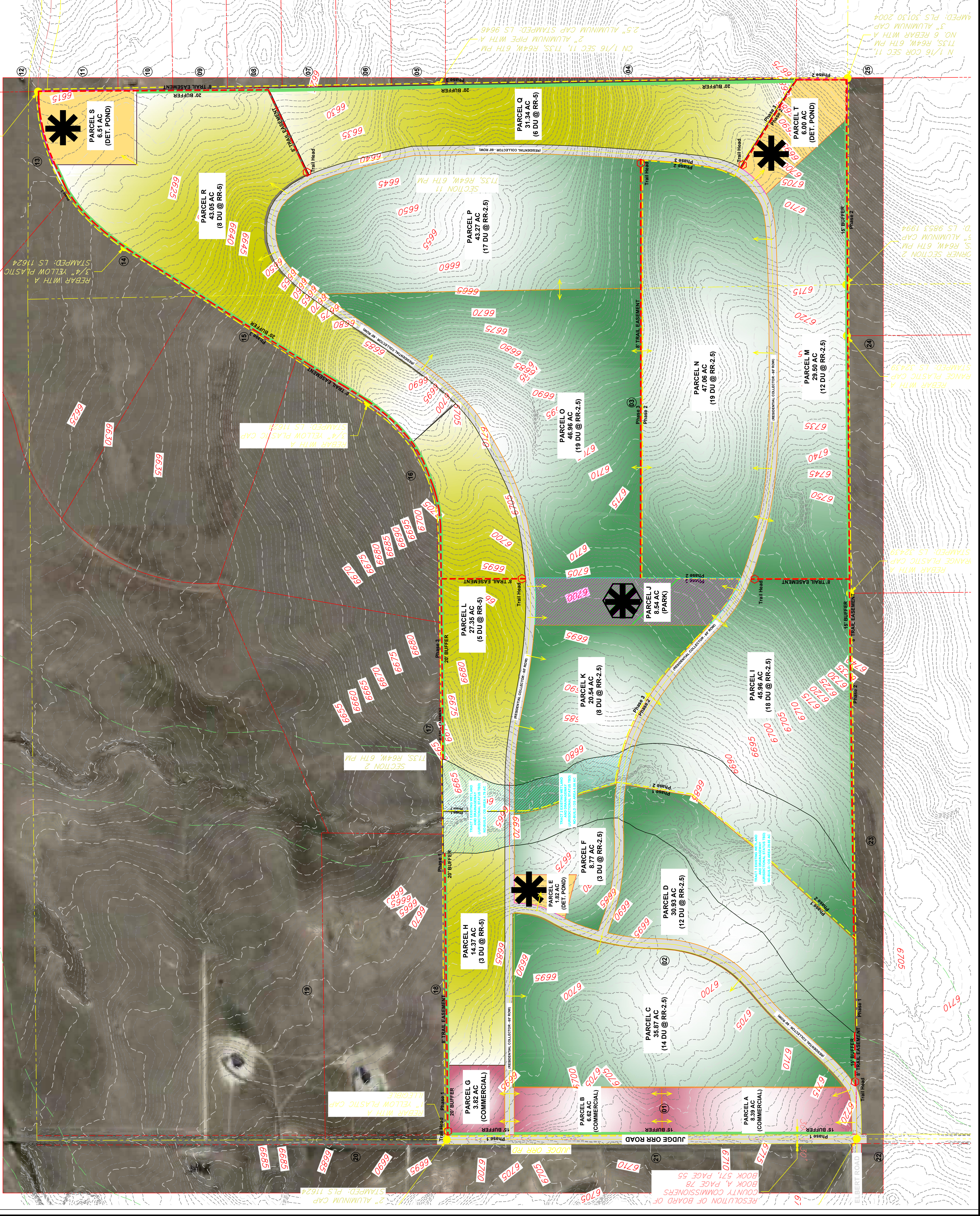
7.0 CONCLUSION

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

Appendix A

ESTEBAN RODRIGUEZ SUBDIVISION SKETCH PLAN

A PARCEL OF LAND BEING A PORTION OF THE SECTION 2 AND SECTION 11, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO



LAND USE SUMMARY TABLE:

LAND USE CATEGORY	ACREAGE	% OF SITE	MAXIMUM UNITS
LOW DENSITY	308.86 ac	62.3%	122
RR-2.5 ZONING	116.11 ac	23%	22
RR-3 ZONING	18.83 ac	3.9%	n.a.
COMMERCIAL	8.54 ac	1.8%	n.a.
OPEN SPACE	n.a.	n.a.	n.a.
PARK ZONING	14.33 ac	2.9%	n.a.
FLOODPLAIN	.80 ac	<1.0%	n.a.
NO-BUILD	n.a.	n.a.	n.a.
NO-BUILD/DETONATION	25.75 ac	5.2%	n.a.
PROPOSED R.O.W.	483.21 ac	100%	144

PROPOSED USE/ZONE MAXIMUM UNITS

PARCEL	ACREAGE	PROPOSED USE/ZONE	MAXIMUM UNITS
A	8.34	COMMERCIAL	n.a.
B	6.62	RR-2.5	14 DU
C	35.87	RR-2.5	12 DU
D	3.81	RR-2.5	12 DU
E	1.82	DETONATION	n.a.
F	8.77	RR-2.5	3 DU
G	3.82	COMMERCIAL	n.a.
H	14.37	RR-5.0	3 DU
I	48.84	RR-2.5	18 DU
J	20.54	RR-2.5	8 DU
K	27.35	RR-5.0	5 DU
L	29.50	RR-2.5	12 DU
M	47.06	RR-2.5	19 DU
N	46.96	RR-2.5	19 DU
O	31.34	RR-5.0	6 DU
P	43.05	RR-5.0	8 DU
R	6.51	DETONATION	n.a.
S	6.00	DETONATION	n.a.
T	6.00	DETONATION	n.a.

ADJACENT PROPERTY OWNERS:

KEY	NAME AND ADDRESS	KEY	NAME AND ADDRESS
(01)	Brent Houser Enterprises, LLC 11890 Garrett Road Payton, CO 80831-7685 TSN 4300000534	(16)	Daniel G. Carless, Jr. 1083 Prickly Pear Place Colorado Springs, CO 80921 TSN 4300000618
(02)	Brent Houser Enterprises, LLC 11890 Garrett Road Payton, CO 80831-7685 TSN 4300000537	(17)	Walker Blount 605 Ocean Club Court Payton, CO 80831-7924 TSN 4300000619
(03)	Brent Houser Enterprises, LLC 11890 Garrett Road Payton, CO 80831-7685 TSN 4300000538	(18)	Dwayne Lee Simmons 2039 N. Academy Blvd. Colorado Springs, CO 80909 TSN 4300000534
(04)	Jenny A. Olson Trust 7360 Falcon Grassy Heights Payton, CO 80831-7936 TSN 4300000502	(19)	Adam C. Meedy 45865 Judge Orr Road Payton, CO 80831-7936 TSN 4300000528
(05)	Edgar E. Hall 16380 Sagecreek Road Payton, CO 80831-7926 TSN 4311001001	(20)	David Fitzpatrick 15225 Judge Orr Road Payton, CO 80831-7967 TSN 4300000569
(06)	James C. Costa 16440 Sagecreek Road Payton, CO 80831-7923 TSN 4311001002	(21)	Andrew Townsend 16860 Judge Orr Road Payton, CO 80831-7923 TSN 4200000454
(07)	James P. Dagan 16860 Sagecreek Road Payton, CO 80831-7923 TSN 4311001003	(22)	Charolita A. Howard 3232 Mulfield Drive Colo. Springs, CO 80907-7905 TSN 4200000362
(08)	Lance Erickson 16520 Sagecreek Road Payton, CO 80831-7919 TSN 4311001004	(23)	Jane Davis Living Trust 9050 Elbert Road Payton, CO 80831-7920 TSN 4200000470
(09)	Jacob Schlierl 16520 Sagecreek Road Payton, CO 80831-7919 TSN 4411001005	(24)	Gorilla Capital Co. 1342 High Street Eugene, OR 97041 TSN 4300000599
(10)	Daniel McCarty 16840 Sagecreek Road Payton, CO 80831-7910 TSN 4311001006	(25)	Cosilla Capital Co. 1342 High Street Eugene, OR 97041 TSN 4300000602
(11)	Laurel M. Vickers 16760 Sagecreek Road Payton, CO 80831-7910 TSN 4511001007	(26)	7120 SUDIEV, LLC 7120 Falcon Grassy Heights Payton, CO 80831-7985 TSN 4300000496
(12)	JWK Trust 16850 Sagecreek Road Payton, CO 80831-7910 TSN 4312001009	(27)	Nicholas Byard 7883 Maroon Drive Fountain, CO 80817-1450 TSN 4300000615
(13)	Jonathan David Ojda 12444 Pino Valley Circle Payton, CO 80831-4101 TSN 4300000617	(28)	

NOTES:

1. THE PROPOSED LOT SHALL BE DESIGNATED AS "NO BUILD" AREAS FOR ALL LOTS WITHIN THE SUBDIVISION.
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REVISIONS:

NO.	DATE	DESCRIPTION
1	06/16/2023	DESIGNED: WFE
2		CHECKED: GBU

PROJECT NAME: ESTEBAN RODRIGUEZ SUBDIVISION
PROJECT ADDRESS: JUDGE ORR ROAD, PEYTON, CO 80831
PROJECT DESCRIPTION: 496.25 ACRE SKETCH PLAN

DATE: 06/16/2023
DESIGNED: WFE
CHECKED: GBU

PLANNING ARCHITECT: WILLIAM FREDERICK GUMMANN & ASSOCIATES, P.C.
REGISTERED LANDSCAPE ARCHITECT: WILLIAM FREDERICK GUMMANN & ASSOCIATES, P.C.

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DATE: 06/16/2023
DESIGNED: WFE
CHECKED: GBU

PLANNING ARCHITECT: WILLIAM FREDERICK GUMMANN & ASSOCIATES, P.C.
REGISTERED LANDSCAPE ARCHITECT: WILLIAM FREDERICK GUMMANN & ASSOCIATES, P.C.

REVISIONS:

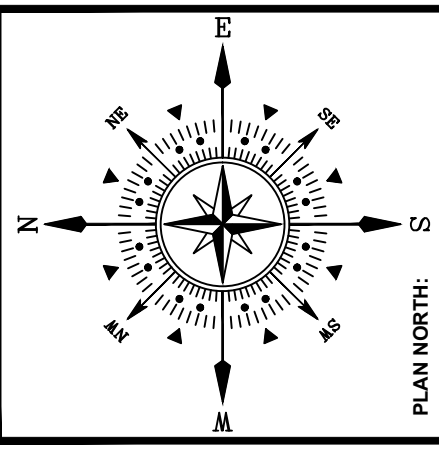
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ESTEBAN RODRIGUEZ SUBDIVISION SKETCH PLAN

A PARCEL OF LAND BEING A PORTION OF THE SECTION 2 AND SECTION 11, TOWNSHIP 13 SOUTH,
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN
EL PASO COUNTY, COLORADO

William Gunnar & Associates, Ltd.
LIBERAL PLANNING, ENGINEERING, ARCHITECTURE
731 North Weber Street
Colorado Springs, CO 80903
(719) 533-3300
www.gunnamtd.com
bill@gunnamtd.com

THIS SKETCH PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE OWNER OF THE LAND SHOWN HEREON IS ESTEBAN RODRIGUEZ. THE SKETCH PLAN IS SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. THE SKETCH PLAN IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. THE SKETCH PLAN IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO.



PROJECT NAME: ESTEBAN RODRIGUEZ SUBDIVISION
PROJECT ADDRESS: JUDGE ORR ROAD
PEYTON, CO 80831
PROJECT DESCRIPTION: 496.25 ACRE SKETCH PLAN

DATE: 06/16/2023
DESIGNED: WFG
CHECKED: GEM

REVISIONS:	DATE:	BY:	DESCRIPTION:

PLAN SCALE: 1" = 300' (OR AS NOTED ON PLAN)
SHEET TITLE: SKETCH PLAN
SHEET NO.: SKP1.3
3 OF 3 SHEETS
FILE NO.: FILE#

OPEN SPACE SCHEDULE

LAND USE CATEGORY	ACREAGE	% OF SITE	MAXIMUM UNITS
OPEN SPACE	8.54 AC	1.8%	n.a.
PARK ZONING	8.54 AC	1.8%	n.a.

Park site is intended as Public Open Space
Park site will be maintained by the Davis Ranch Metropolitan District of an HOA.

DETECTION	NO-BUILD
14.33 AC	2.9%
n.a.	n.a.

Detention parcels are intended as Public Open Space
Detention areas will be maintained by the Rodriguez Metropolitan District or HOA.

15'-20' BUFFER	15'-20' BUFFER
n.a.	n.a.
n.a.	n.a.

A 15' Buffer is located along all adjacent public streets. A 20' Buffer is located along all adjacent A-35 properties.

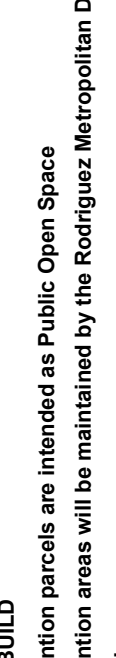
Trail Essemblies are intended as Public Open Space
Trail Essemblies will be maintained by the Rodriguez Metropolitan District or HOA.

FLOODPLAIN	NO-BUILD OS
41.00 AC	n.a.
n.a.	n.a.

Floodplain - No Build OS tracts are intended as Private Open Space areas. Lots that encroach into the Floodplain - No Build OS tracts will be planted at a future zoning and development plan summit indicating that these areas are intended for future development. Floodplain - No Build OS tracts are intended as Private Open Space areas. Lots that encroach into the Floodplain - No Build OS tracts will be planted at a future zoning and development plan summit indicating that these areas are intended for future development.

Total acreage of Floodplain - No Build OS tracts is included in the total acreage of the 2.5 and 5 acre parcels in which future lots will be developed.

Floodplain - No Build OS tracts are Private Open Space and are not intended as public open space, with the exception of the Trail Essemblies that cross through these tracts.



TYPICAL TRAILHEAD MARKER

OPEN SPACE TRACT SCHEDULE

PARCEL TRACT	ACREAGE	DESIGNATION	% OF SITE
H	4.79 AC	PRIVATE	1.0%
I	4.79 AC	PRIVATE	1.0%
D	28.85 AC	PRIVATE	6.0%
S	6.51 AC	PUBLIC	1.4%
T	n.a.	PUBLIC	1.2%
E	n.a.	PUBLIC	<1.0%
J	n.a.	PUBLIC	1.8%
K	2.81 AC	PUBLIC	<1.0%
L	n.a.	PUBLIC	8.3%
M	41.00 AC	PUBLIC	4.5%
N	25.88 AC	PUBLIC	5.2%
O	66.88 AC	PUBLIC	12.8%
P	66.88 AC	PUBLIC	12.8%

PHASING SCHEDULE

PHASE	PARCEL	TOTAL UNITS	ACREAGE
1	A	Commercial	8.39 AC
1	B	Commercial	35.92 AC
1	C	11	30.93 AC
1	D	12	30.93 AC
1	E	Detention	1.82 AC
1	F	3	35.92 AC
1	G	Commercial	3.82 AC
1	H	3	14.37 AC
2	I	18	45.96 AC
2	J	Park	8.54 AC
2	K	12	28.08 AC
2	L	Detention	47.06 AC
3	M	17	42.75 AC
3	N	17	42.75 AC
3	O	6	31.34 AC
3	P	8	48.06 AC
3	Q	5	27.36 AC
3	R	8	48.06 AC
3	S	5	27.36 AC
3	T	8	20.54 AC

OPEN SPACE SCHEDULE

LAND USE CATEGORY	ACREAGE	% OF SITE	MAXIMUM UNITS
OPEN SPACE	8.54 AC	1.8%	n.a.
PARK ZONING	8.54 AC	1.8%	n.a.

TYPICAL TRAILHEAD MARKER



TYPICAL TRAILHEAD MARKER

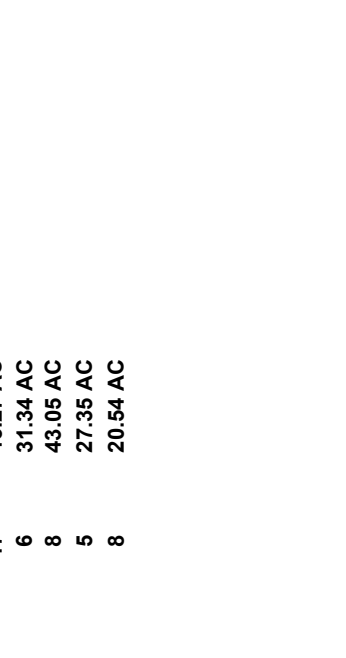
PHASING SCHEDULE

PHASE	PARCEL	TOTAL UNITS	ACREAGE
1	A	Commercial	8.39 AC
1	B	Commercial	35.92 AC
1	C	11	30.93 AC
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3	O	6	31.34 AC
3	P	8	48.06 AC
3	Q	5	27.36 AC
3	R	8	48.06 AC
3	S	5	27.36 AC
3	T	8	20.54 AC

OPEN SPACE SCHEDULE

LAND USE CATEGORY	ACREAGE	% OF SITE	MAXIMUM UNITS
OPEN SPACE	8.54 AC	1.8%	n.a.
PARK ZONING	8.54 AC	1.8%	n.a.

TYPICAL TRAILHEAD MARKER



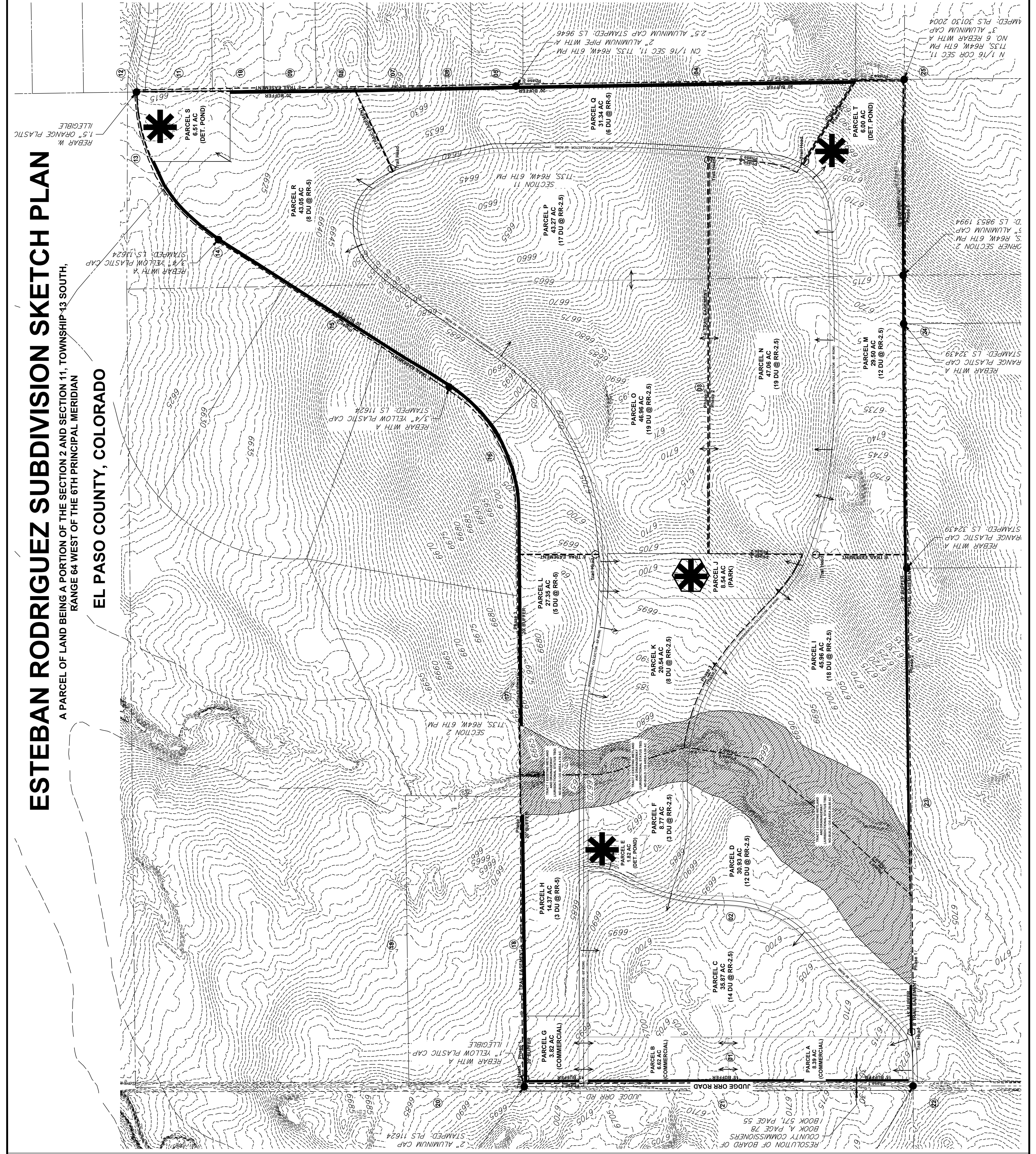
TYPICAL TRAILHEAD MARKER

PHASING SCHEDULE

PHASE	PARCEL	TOTAL UNITS	ACREAGE
1	A	Commercial	8.39 AC
1	B	Commercial	35.92 AC
1	C	11	30.93 AC
1	D	12	30.93 AC
1	E	Detention	1.82 AC
1	F	3	35.92 AC
1	G	Commercial	3.82 AC
1	H	3	14.37 AC
2	I	18	45.96 AC
2	J	Park	8.54 AC
2	K	12	28.08 AC
2	L	Detention	47.06 AC
3	M	17	42.75 AC
3	N	17	42.75 AC
3	O	6	31.34 AC
3	P	8	48.06 AC
3	Q	5	27.36 AC
3	R	8	48.06 AC
3	S	5	27.36 AC
3	T	8	20.54 AC

OPEN SPACE SCHEDULE

LAND USE CATEGORY	ACREAGE	% OF SITE	MAXIMUM UNITS
OPEN SPACE	8.54 AC	1.8%	n.a.
PARK ZONING	8.54 AC	1.8%	n.a.



0' 300' 600' 900'
SCALE: 1" = 300' - 0"
Actual North

Appendix B

WATER SUPPLY INFORMATION SUMMARY

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

1. NAME OF DEVELOPMENT AS PROPOSED		<u>Esteban Rodriguez Subdivision</u>	
2. LAND USE ACTION		<u>Minor Subdivision</u>	
3. NAME OF EXISTING PARCEL AS RECORDED		<u>Portion of Section 2 and portion of Section 11, Township 13 South, Range 64 West of 6th Principal Meridian</u>	
SUBDIVISION	<u>See Above</u>	FILING	<u>N/A</u>
BLOCK	<u>N/A</u>	Lot	<u>N/A</u>
4. TOTAL ACERAGE	<u>493.21</u>	5. NUMBER OF RESIDENTIAL LOTS PROPOSED	<u>144</u>
		PLAT MAPS ENCLOSED	Yes
6. PARCEL HISTORY - Please attach copies of deeds, plats, or other evidence or documentation. (In submittal package)			
A. Was parcel recorded with county prior to June 1, 1972?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
B. Has the parcel ever been part of a division of land action since June 1, 1972?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If yes, describe the previous action			
7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner. (In submittal)			
OF West <u>1/2 and 3/4</u> SECTION 2 & 11 respectively		TOWNSHIP <u>13</u> S	<input type="checkbox"/> N <input checked="" type="checkbox"/> S
		RANGE <u>64</u>	<input type="checkbox"/> E <input checked="" type="checkbox"/> W
PRINCIPAL MERIDIAN: <input checked="" type="checkbox"/> 6TH <input type="checkbox"/> N.M. <input type="checkbox"/> UTE <input type="checkbox"/> COSTILLA			
8. PLAT - Location of all wells on property must be plotted and permit numbers provided.			
Surveyors plat <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		If not, scaled hand-drawn sketch <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Foot per Year		10. WATER SUPPLY SOURCE	
HOUSEHOLD USE ¹	<u>144</u> of units <u>0.260</u> AF/SFE/YR <u>37.440</u> AF	<input checked="" type="checkbox"/> EXISTING <input checked="" type="checkbox"/> DEVELOPED	<input checked="" type="checkbox"/> NEW WELLS
COMMERCIAL USE ¹	<u>123,035</u> SF <u>12,304</u> GPD <u>13.782</u> AF	WELLS SPRING	Proposed Aquifers - (Check One)
IRRIGATION ²	<u>0.0566</u> AF/1000SF <u>3,638</u> GPD <u>4.075</u> AF	WELL PERMIT NUMBERS	<input type="checkbox"/> Alluvial <input type="checkbox"/> Upper Arapahoe
IRRIGATION ³	<u>0.0566</u> AF/1000SF <u>51</u> GPD <u>0.057</u> AF	<u>316614</u>	<input type="checkbox"/> Upper Dawson <input type="checkbox"/> Lower Arapahoe
ANIMAL WATERING ⁴	<u>0</u> Horses <u>0.011</u> AF/Horse/Year <u>0.000</u> AF		<input type="checkbox"/> Lower Dawson <input type="checkbox"/> Laramie
TOTAL	<u>49,416</u> GPD <u>55.354</u> AF*		<input checked="" type="checkbox"/> Denver <input type="checkbox"/> Dakota
		<input type="checkbox"/> MUNICIPAL	
		<input type="checkbox"/> ASSOCIATION	
		<input type="checkbox"/> COMPANY	
		<input type="checkbox"/> DISTRICT	
		NAME: <u>N/A</u>	
		LETTER OF COMMITMENT FOR	
		SERVICE - N/A <input type="checkbox"/> YES <input checked="" type="checkbox"/> N	
		WATER COURT DECREE CASE NUMBERS	
		<u>Existing Well Permits # 316614</u>	
		<u>Replacement Plan Application GWS - 69 -</u>	
		<u>Determination No 459-BD</u>	
11. ENGINEER'S WATER SUPPLY REPORT		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, please forward with this form. (This may be required before our review is completed)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
<input checked="" type="checkbox"/> SEPTIC TANK/LEACH FIELD		<input type="checkbox"/> CENTRAL SYSTEM - DISTRICT	
<input type="checkbox"/> LAGOON		<input type="checkbox"/> VAULT - LOCATION SEWAGE	
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design)		<input type="checkbox"/> OTHER:	

¹ Per 8.4.7(B)(7)(d) of the EPC Land Development Code

² Assuming 500 ft² of irrigatable land for 92 lots

³ Assuming 1000 ft² of irrigatable land for commercial lots

⁴ Assuming 0 large animals

Appendix C

AUTHORIZATION

Application of Brent Houser Enterprises, LLC

Brent Houser Enterprises, LLC, has engaged the services of Ryan W. Farr, Esq. of the firm Monson, Cummins, Shohet & Farr, LLC, to assist in the application for a Replacement Plan. As such, Mr. Farr is authorized to act on the behalf of Brent Houser Enterprises, LLC, in this matter.

Esteban Rodriguez, Managing Member

Date

EXHIBIT A

Brent Houser Enterprises
Replacement Plan

RECORDED AT _____ O'CLOCK ____ M., _____

QUITCLAIM DEED

THIS DEED, Made effective this 4 day of September, 2013, between SA GROUP PROPERTIES, INC., a Minnesota corporation (Grantor), and BRENT HOUSER ENTERPRISES, LLC, a Colorado limited liability company, whose address is 11890 Garrett Road, Peyton, CO 80831 (Grantee):

WITNESS, that the Grantor, for and in consideration of the sum of Ten dollars and other good and valuable consideration in the amount of \$300,000.00, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed, and QUITCLAIMED, and by these presents do remise, release, sell, convey and Quitclaim, unto the Grantee, his heirs, successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with all mineral rights and water rights currently owned by the Grantor, if any, together with improvements, if any, situate, lying and being in the said County of El Paso and State of Colorado described as follows:


SEE EXHIBIT A, ATTACHED HERETO.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee, his heirs and assigns forever. The singular number shall include the plural, the plural and the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, this deed is effective upon on the date set forth above.

GRANTOR:

SA GROUP PROPERTIES, INC.,
a Minnesota corporation

By: 
Brooke A. Johnson, its Vice President

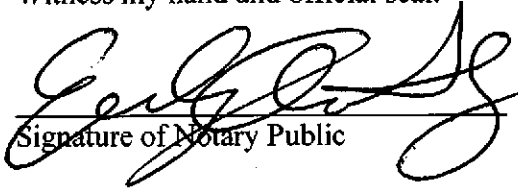
213113100

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On 08/30/, 2013, before me EMILY ANN SELF,
Notary Public, personally appeared Brooke A. Johnson, who proved to me on the basis of
satisfactory evidence to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his
signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

Witness my hand and official seal.



Signature of Notary Public

(Notary Seal)



**EXHIBIT A
TO
QUITCLAIM DEED**

LEGAL DESCRIPTION

A parcel of land located in Section 2 and Section 11, Township 13 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado, more particularly described as follows:

Beginning at the Northwest corner of said Section 2;
Thence South 89 degrees 28'49" East, along the North line of said Section 2, 2622.40 feet to the North Quarter corner thereof;
Thence South 00 degrees 02'35" East, along the East line of the West Half of said Section 2, 3885.56 feet to a point of curvature;
Thence 990.39 feet along the arc of a curve to the left having a central angle of 56 degrees 44'42", a radius of 1000.00 feet and whose chord bears South 28 degrees 24'56" East;
Thence South 56 degrees 47'17" East, 1845.68 feet;
Thence 1186.08 feet along the arc of a curve to the right having a central angle of 56 degrees 37'52", a radius of 1200.00 feet, and whose chord bears South 28 degrees 28'21" East, to a point on the South line of the North half of the North half of said Section 11;
Thence South 89 degrees 43'09" West, along said South line, 2560.17 feet;
Thence continuing along said South line South 89 degrees 39'00" West, 2618.86 feet to a point on the West line of said Section 11;
Thence North 00 degrees 57'38" East, along said West line, 1320.52 feet to the Northwest corner of said Section 11;
Thence North 00 degrees 04'45" West, along the West line of said Section 2, 5465.11 feet to the Point of Beginning,

County of El Paso,
State of Colorado.

APNs - 43000-00-534, -537 and -538

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

Exhibit B

Brent Houser
Enterprises
Replacement Plan



Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, PE.
State Engineer

March 8, 2004

**RECORDER NOTE: Legibility
of writing, typing or printing
UNSATISFACTORY in portions
of this document when received.**

ROBERT NORRIS
ROBERT C NORRIS FAMILY TRUST
970 SUMMER GAMES DRIVE
COLO SPGS CO 80906

RE: Determination of Water Right

Dear Mr. Norris:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. **459-BD**, for the allocation of ground water in the **Denver** aquifer. This Findings and Order are the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

As indicated in the Order, a copy of this determination must 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 overlying land claimed in the application, or any part thereof, shall reveal this determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

Enclosure: a/s

cc: John Schwab – JPS Engineering (letter only)
Purushottam Dass, PE – Stantec (letter only)
Upper Black Squirrel Creek GWMD

Robert C. Balink El Paso Cty, CO
04/02/2004 12:31
Doc \$0.00 Page
Rec \$135.00 1 of 27

204053005



**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

APPLICANT: ROBERT C. NORRIS FAMILY TRUST

AQUIFER: DENVER

DETERMINATION NO.: 459-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, The Robert C. Norris Family Trust (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Denver Aquifer.

FINDINGS

1. The application was first filed by the applicant on February 18, 2003, and was received complete by the Colorado Ground Water Commission on May 30, 2003.
2. The applicant requests a determination of rights to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 6,955.31 acres, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian; all in El Paso County. According to a signed statement dated February 5, 2003, the applicant owns the 6,955.31 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and in the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.

5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The applicant's proposed place of use of the allocated ground water is the above described 6955.31 acre land area.
6. a. Pursuant to Section 37-90-107(7), C.R.S., and Rule 5.3 of the Designated Basin Rules, the Commission Staff ("Staff") reviewed the application. In a preliminary evaluation of the complete application, the Staff found that the claimed 6955.31 acre overlying land area consisted of six noncontiguous tracts of land designated as Areas A through F. In addition, Areas C, D and E, had multiple replacement water requirement areas. For this reason, the amount of ground water in the aquifer and a maximum annual amount available for allocation were determined specifically for the aquifer underlying each of the six noncontiguous areas and specifically for the aquifer underlying each of the replacement water requirement areas within Areas C, D and E. These designated areas are generally described and the amounts of available allocation specific to each area, as determined by Staff, are indicated in the legal notice publication for the application attached hereto as Exhibit B.

b. The six noncontiguous tracts are the result of county roads physically separating the overlying land area into six separate areas. This finding by Staff was based on previous claims by El Paso County that the right-of-way for all such county roads is considered to be the property of the county and not, simply, an easement subject to claims of ownership by surrounding property owners.
7. On July 24, 2003, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
8. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
9. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on August 7 & 14, 2003.
10. a. On September 15, 2003, an objection to the application was received from the applicant and assigned Case No. 03-GW-16. The applicant specifically objected to the Commission Staff's finding that the overlying land area consisted of six noncontiguous tracts and claimed that, in fact, the overlying land area consisted of one contiguous parcel. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. As an attachment to the objection, the applicant provided a copy of a letter from the Office of the El Paso County Surveyor, dated August 28, 2003. In this letter, Mr. Christopher Brewer, the County Surveyor, states that, after review of relevant property records, the existing county roads within the applicant's claimed overlying land area are not owned in fee by the county.

c. By letter to the El Paso County Surveyor, dated September 16, 2003, the Staff responded to Mr. Brewer's above-described letter. Staff's letter was copied to the El Paso County Department of Planning, Department of Transportation, and Office of the County Attorney.

The intent of this letter was to obtain any comments from interested governmental departments or agencies of El Paso County regarding the issue of ownership of county road right-of-ways and specifically the ownership of such right-of-ways dividing the applicant's overlying land area.

d. Since the mailing of the above Staff letter of September 16, 2003, the Staff has received no additional written correspondence from any governmental department or agency of El Paso County regarding the issue of ownership of county road right-of-ways. Based on the information provided by the Office of the El Paso County Surveyor, in the above-described letter of August 28, 2003, the staff revises the finding that the applicant's claimed overlying land area consists of six noncontiguous tracts. The preliminary findings, as published in the legal notice attached hereto as Exhibit B, are subject to final staff evaluation. Final staff evaluation of the application, therefore, finds that the applicant's claimed 6955.31 acre overlying land area is one contiguous area. The applicant was notified of the revised finding for this application by letter from the Staff dated December 31, 2003.

e. In a letter to the Commission Hearing Officer received on January 27, 2004, the applicant requested that its objection be withdrawn and that the application be returned to the Staff for further action. By Order of the Hearing Officer dated January 28, 2004, Case No. 03-GW-16 was dismissed and the application was remanded to Staff to take any administrative steps it deems necessary.

f. The above-described revised finding of the Commission is incorporated into these findings.

11. The replacement water requirement for withdrawal of ground water from the aquifer underlying the 6955.31 acres of overlying land claimed by the applicant consists of two different requirements, which effectively divides the claimed land into two areas. The amount of ground water in the aquifer and a maximum annual amount available for allocation will be determined specifically for the aquifer underlying each of the two areas. These areas are designated and described as follows:

Area A - 2837 acres, generally described as the applicant's claimed land area in Sections 35 and 36, Township 12 South, Range 64 West, of the 6th Principal Meridian; portions of Sections 31 and 32 of Township 12 South, Range 63 West of the 6th Principal Meridian; the majority of Sections 1, 2, 3, 10, 11 and 12 of Township 13 South, Range 64 West of the 6th Principal Meridian; and a portions of Section 6 of Township 13 South, Range 63 West of the 6th Principal Meridian.

Area B - 4118.31 acres, generally described as the applicant's claimed land area in Section 9, and portions of Sections 1, 3, 10 and 12 of Township 13 South, Range 64 West of the 6th Principal Meridian; portions of Section 31 and most of the claimed land area in Section 32 of Township 12 South, Range 63 West of the 6th Principal Meridian; a portion of Section 6 and all of the claimed land area in Sections 4, 5, 7 and 8 of Township 13 South, Range 63 West of the 6th Principal Meridian.

These two areas are further described in a map attached hereto as Exhibit C.

12. The quantity of water in the aquifer underlying the 6955.31 acres of land claimed by the applicant is as follows: Area A = 96,458 acre-feet; Area B = 140,023 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:

a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is as follows: Area A = 200 feet; Area B = 230 feet.

13. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
14. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 6955.31 acres of overlying land claimed by the applicant is as follows: Area A = 965 acre-feet; Area B = 1400 acre-feet.
15. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
16. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that the replacement water requirements for withdrawal of ground water from the aquifer underlying the subject land area are as follows:

Area A - Withdrawal of ground water from the aquifer underlying 2837 acres of the land claimed by the applicant will, within one hundred years, deplete the alluvial aquifer or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is further than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

Area B - Withdrawal of ground water from the aquifer underlying 4118.31 acres of the land claimed by the applicant will, within one hundred years, deplete the alluvial aquifer or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Withdrawal of water from the aquifer underlying the claimed land area would impact the alluvial aquifer of Black Squirrel Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan - pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules - providing for the actual depletion to the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this land area to withdraw the allocated ground water from the aquifer.

17. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the maximum average annual amount of ground water available for allocation from the aquifer underlying the 2,837

acres claimed by the applicant in Area A is reduced to 960 acre-feet to allow for the annual withdrawal of five small capacity wells completed in the aquifer, permit numbers 12874, 17023, 57271, 81669 and 84434. The maximum average annual amount of ground water available for allocation from the aquifer underlying the 4118.31 acres claimed by the applicant in Area B is reduced to 1389.5 acre-feet to allow for the annual withdrawal of ten small capacity wells completed in the aquifer, permit numbers 15570, 25641, 25642, 72096, 81670, 104413, 124092, 132587, 189756 and 205140. Except for these wells, review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.

18. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
19. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
20. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Denver Aquifer underlying 6955.31 acres of land, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

21. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following: Area A = 960 acre-feet; Area B = 1389.5 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
22. To conform to actual aquifer characteristics, the Commission may adjust the allocated average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
23. Replacement water requirements shall be as follows:
 - a. For the aquifer underlying the above described 2,837 acres of Area A, at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
 - i. Upon withdrawal of the total allowed average amount of water underlying Area A, in any calendar year, the allowed average annual amount of water underlying the above described Area B may be withdrawn through wells located on Area A if an adequate replacement plan for this withdrawal is approved by the Commission.
 - b. For the aquifer underlying the above described 4118.31 acres of Area B, Commission approval of a replacement plan, providing for actual depletion to the alluvial aquifer and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on this land area to withdraw ground water from the aquifer.
 - i. Upon withdrawal of the total allowed average amount of water underlying Area B, in any calendar year, the allowed average annual amount of water underlying the above described Area A may be withdrawn through wells located on Area B if an adequate replacement plan for this withdrawal is approved by the Commission.
24. The use of ground water from this allocation shall be limited to the following uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The place of use shall be limited to the above described 6955.31 acre overlying land area.
25. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 6955.31 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
26. Subject to the above conditions, well permits for wells to withdraw the authorized annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:

a. The wells shall be located on the above described 6955.31 acre land area. Wells located within any one of the two described areas, designated Area A and Area B, shall only withdraw the allowed average annual amount of water determined for that area, as indicated in paragraph 21 of this Order, unless the following conditions may be satisfied:

i. Subject to compliance with the provisions in paragraph 23 of this Order, water may be withdrawn from the aquifer underlying a contiguous claimed area where differing replacement water requirements have effectively divided the claimed overlying land into separate zones.

b. The wells must be constructed to withdraw water from only the Denver Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.

c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.

d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.

e. Subject to the provisions of paragraph 26.a of this Order, the wells may withdraw the allowed average annual amount of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amounts described in this Order.

f. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.

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

27. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county - in which the claimed overlying land is located - so that a title examination of the above described 6955.31 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 3rd day of March 2004.


Hal D. Simpson - Executive Director
Colorado Ground Water Commission

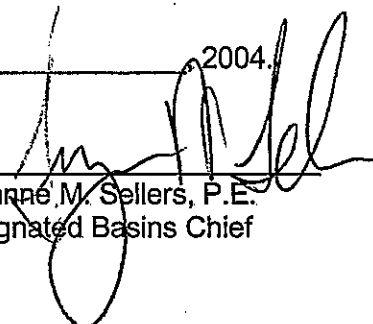
By: 
Suzanne M. Sellers, P.E.
Designated Basins Chief

EXHIBIT A

Page 1 of 16

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES
1313 Sherman St. Room 821
Denver, CO 80203
(303) 866-3581 Fax (303) 866-3589

REC'D

MAY 06 2003

WATER REC'D
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (We) Robert L. Norris Family Trust
6,955.31 (Name(s))

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 7,046.31 acres in the County of El Paso, State of Colorado:

(Insert the property legal description)

See attached legal description

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

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

Robert C Norris 11/25/02
Signature President Date
Steve W. Davis 11/25/02
Signature Date

.....
INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional information on the reverse side.

EXHIBIT A

Page 2 of 16

Our Order No. SC146856-4

LEGAL DESCRIPTION

PARCEL A:

GOVERNMENT LOTS 1, 3, AND 4; THE SOUTH HALF OF THE NORTH HALF; AND THE NORTH HALF OF THE SOUTH HALF, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LESS THAT PORTION CONVEYED BY DEED RECORDED IN BOOK 2315 AT PAGE 945.

ALL OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LESS AND EXCEPT GOVERNMENT LOT 4 OF SAID SECTION;

ALL OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THE SOUTH 1460.00 FEET OF THE EAST 1044.28 FEET OF THE SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THE EAST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE NORTH HALF OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 31, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE WEST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 32, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PORTIONS CONVEYED FOR CANAL PURPOSES IN DEEDS RECORDED IN BOOK 458 AT PAGES 176 AND 180.

ALL OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

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EXHIBIT A

Page 3 of 16

Our Order No. SC146856-4

LEGAL DESCRIPTION

THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF, THE EAST ONE-THIRD OF THE WEST ONE-HALF AND THE WEST TWO-THIRDS OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF, THE EAST ONE-HALF OF THE WEST ONE-HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

Parcel B deleted

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DALE H. HENNING, P.E.
STATE ENGINEER
COLO.

El Paso County Parcel Information

Parcel Number: 4300000445, -444, -345, ETC

Parcel Address: 0 MURR RD

Parcel Owner: NORRIS ROBERT C & JANE W TRUSTEES

Parcel Owner2: NORRIS ROBERT C FAMILY TRUST

Parcel Owner3: C/O T-CROSS RANCHES

Owner Mailing Address: 970 SUMMER GAMES DR, COLORADO SPRINGS, CO, 80906

File Name: PRE-02-141

Zone Map No.: 323.31, 323.32, 332.04 - 332.08, 424.35, 424.36, 431.01 - 431.03, 431.10 - 431.12, 432.09

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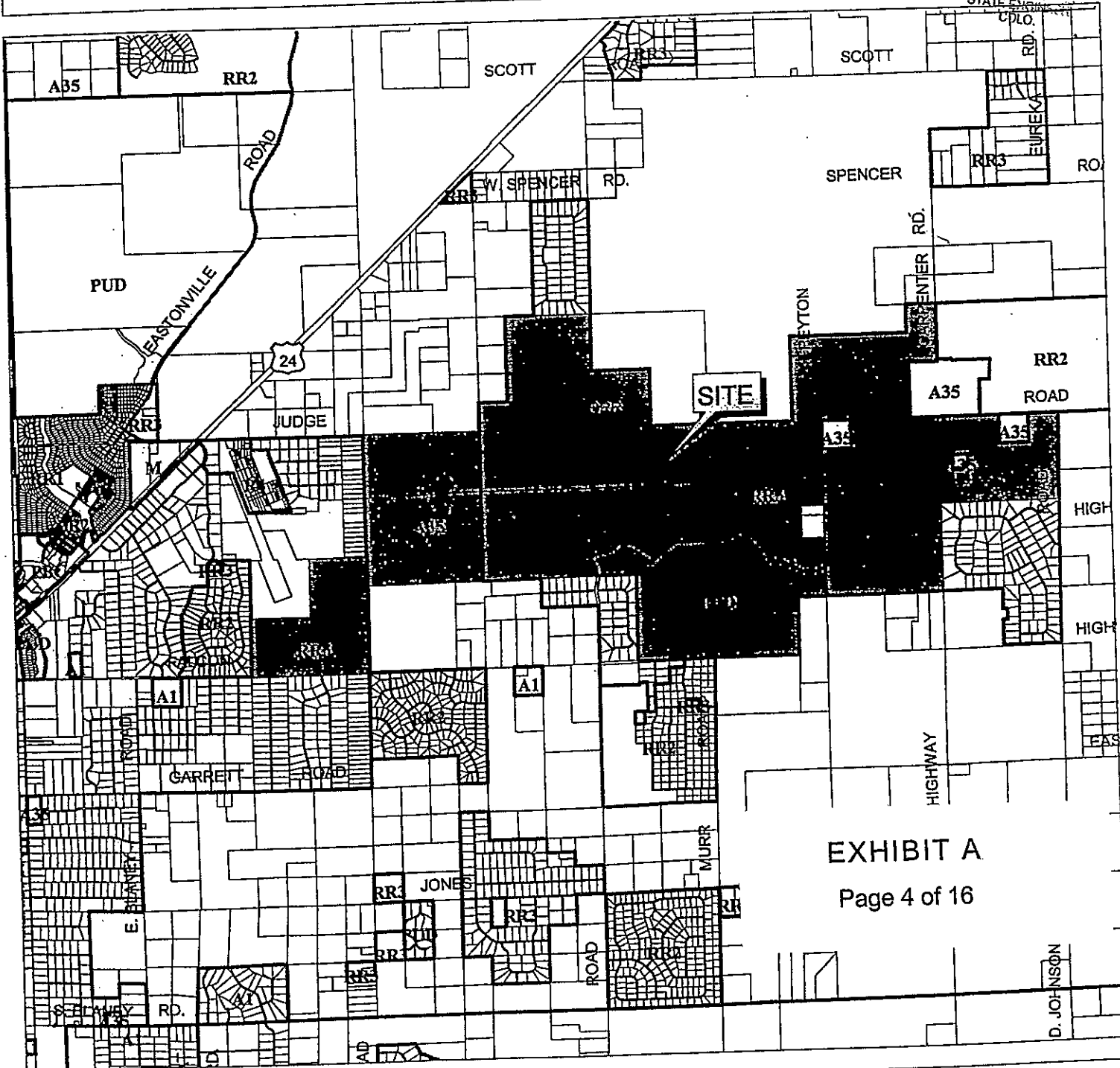


EXHIBIT A

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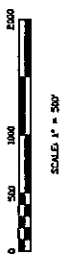
Please report any discrepancies to:
 El Paso County GIS/Mapping
 325 S. Cascade
 Colorado Springs, CO 80903
 (719)520-6523

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May 6, 2002



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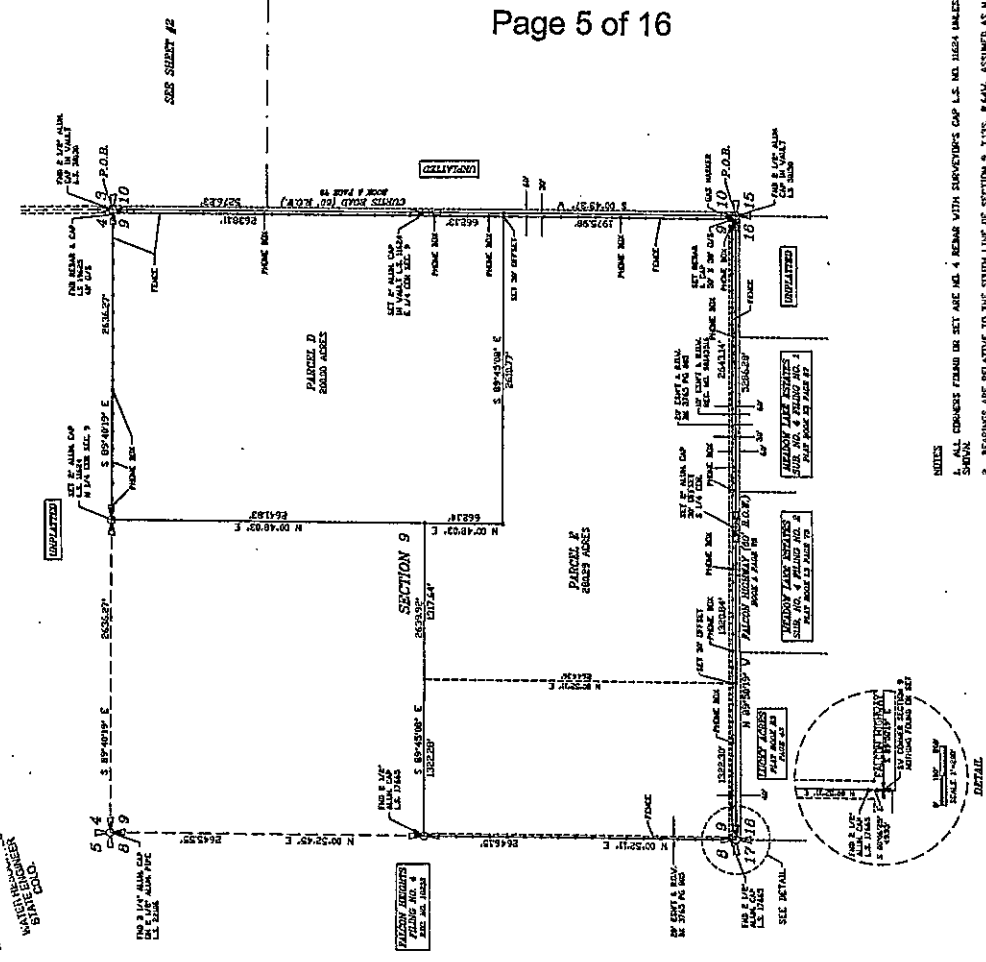
PARCEL DESCRIPTION
PARCEL B
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE S 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.
PARCEL D
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE N 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.
PARCEL E
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE N 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.
PARCEL F
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE N 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.
PARCEL G
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE N 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.
PARCEL H
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE N 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.
PARCEL I
 A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE N 89°40'19" E, 2629.27 FEET TO THE POINT OF BEGINNING AND CONTAINING SAID ACRES MORE OR LESS.

CERTIFICATION
 I, TOMMY L. KEITH, THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT ON OCTOBER 17, 2002, A LAND SURVEY OF THE ABOVE DESCRIBED PARCEL OF LAND WAS DONE UNDER MY SUPERVISION AND DIRECTION AND THE SURVEYING AS SHOWN IN THE ACCOMPANYING PLAN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

TOMMY L. KEITH, P.L.S., SURVEYOR
 10000 N. 17TH ST., SUITE 100
 DENVER, CO 80202
 THIS SURVEY IS MADE AND VOID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.
 DEPOSITED THIS _____ OF _____ 2002, A.D., AT _____
 CLERK _____ OF LAND SURVEY PLAT/RIGHT-OF-WAY
 SURVEYS AT PAGES _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.
 BOB MALONE, CLERK & RECORDER
 BY _____

SECTION	9
TOWNSHIP	13 S
RANGE	64 W
PARCELS	B, D, E, F, G, H, I
DATE	10/17/02
BY	T. L. KEITH
PROJECT	BOUNDARY SURVEY
CLIENT	REALTY DEVELOPMENT SERVICES
SCALE	1" = 500'

EXHIBIT A
Page 5 of 16



- NOTES**
1. ALL CORNERS FOUND OR SET ARE NO. 4 BEARING WITH SURVEYORS CAP L.S. NO. 1024 UNLESS OTHERWISE SHOWN.
 2. BEARINGS ARE RELATIVE TO THE MERIDIAN LINE OF SECTION 9, T13S, R64W, ASSUMED AS N 89°40'19" W.
 3. THIS SURVEY IS BASED UPON TITLE COMMITMENT NO. SC164564-A AS FURNISHED BY LAND TITLE GUARANTEE COMPANY DATED JULY 12, 2002.
 4. SUBJECT TO RIGHT-OF-WAY EASEMENT GRANTED TO HERRITAH VULV ELECTRIC ASSOCIATION RECORDED IN BOOK 3023 AT PAGE 894, EL PASO COUNTY, COLORADO.
 5. SUBJECT TO AVIATION EASEMENT RECORDED IN BOOK 5169 AT PAGE 1569, EL PASO COUNTY, COLORADO.
 6. ALL SECTION LINES SUBJECT TO 40 FEET WIDE RIGHT-OF-WAY EASEMENT, BEING 20 FEET ON EACH SIDE OF SECTION LINE, AS RECORDED IN BOOK A AT PAGE 78 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

WHICH ACCORDING TO COLORADO LAW MAY CHANGE ANY LOCAL ACTION MUST BE FILED WITHIN THE TIME PERIOD SPECIFIED IN THE CERTIFICATE OF RECORDING. THE CERTIFICATE OF RECORDING IS THE ONLY COPY OF THIS SURVEY TO BE MAINTAINED AND IT IS THE ONLY COPY TO BE FILED WITH THE CLERK OF EL PASO COUNTY, COLORADO.

RECEIVED
MAY 06 2003
WALTER HARRISON
STATE ENGINEER
COLORADO

OCT 23 1969

BOOK 2315 PAGE 945

Filed for record the 23rd day of October, A. D. 1969, at 7:30 o'clock P. M. Reception No. 694900

HARRIET BEALS REGISTER

This Deed, Made this 21st day of October in the year of our Lord one thousand nine hundred and sixty-nine between ROBERT C. MORRIS

of the County of El Paso and State of Colorado, of the first part, and FRED P. DUGAN, also known as FRED PAUL DUGAN and VIRGINIA A. DUGAN of the County of El Paso and State of Colorado, of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot or parcel of land, situate, lying and being in the County of El Paso and State of Colorado, to-wit:

That portion of the Northwest Quarter of Section 4, Township 13 South, Range 63 West of the 6th P.M., El Paso County, described as follows: Commencing at the Northwest corner of said Section 4; thence Easterly on the Northerly line of said Section 4, 1168.27 feet; thence angle right 90° 43' 31" Southerly, 1762.05 feet to the point of beginning of that tract of land herein described; thence continue Southerly on the last mentioned course, 1320.00 feet; thence angle right 90° 00' Westerly 660.00 feet; thence angle right 90° 00' Northerly, 1320.00 feet; thence angle right 90° 00' Easterly, 660.00 feet to the point of beginning and containing 20.00 Acres, more or less.

STATE SUBSTITUTIONARY FEE OCT 23 1969 \$ 20.00

EXHIBIT A Page 8 of 16

Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, or, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said party of the first part, for him self, his heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the executing and delivery of these presents, his his will stand of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and his good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever.

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said party of the first part hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Robert C. Morris

STATE OF COLORADO County of El Paso The foregoing instrument was acknowledged before me this 21st day of October, 1969 by Robert C. Morris. Notary Public in and for the State of Colorado, My Commission Expires 3-19-70

SEC. 4

RECEIVED MAY 06 2003

10" 1760.78 127'

EXHIBIT A

Page 9 of 16

RECEIVED

MAY 06 2003

MATERIALS
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 1, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE S 01°04'54" W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1, 1316.25 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89°41'27" W, 1321.34 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°58'48" E, 1315.59 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE S 89°43'05"E, ALONG SAID NORTH LINE, 1323.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 39.95 ACRES MORE OR LESS.

EXHIBIT A

Page 10 of 16

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WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 3, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH ¼ CORNER OF SAID SECTION 4; THENCE S 00°52'40" W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3, 1314.94 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89°41'27" W, 1321.35 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°46'35" E, 1314.29 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE S 89°43'05" E, ALONG SAID NORTH LINE, 1323.68 FEET TO THE POINT OF BEGINNING AND CONTAINING 39.91 ACRES MORE OR LESS.

EXHIBIT A

Page 11 of 16

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WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE S 89°43'05" E, ALONG THE NORTH LINE OF SAID SECTION, 1323.69 FEET; THENCE S 00°46'35" W, 1314.29 FEET TO THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 4; THENCE N 89°41'27" W, 1321.35 FEET TO THE WEST LINE OF SAID SECTION 4; THENCE N 00°40'28"E, ALONG SAID WEST LINE, 1313.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 39.89 ACRES MORE OR LESS.

South 69° 47' West, 90.8 feet to a point; thence
South 89° 22' West, 211.9 feet to a point; thence
North 88° 51' West, 54.7 feet to a point; thence
South 76° 51' West, 40.0 feet to a point on the west line of the East

half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-three (33), Township and Range
aforesaid.

The Grantee shall permit the Grantor to make connection with said pipe line
with a three-quarter inch pipe, the water flowing through said three-quarter inch pipe
to be used by the Grantor for stock watering purposes.

Signed and delivered this 20th day of October, 1918.

Daniel Strobel.

FILED
MAY 06 2003
STATE ENGINEER
COLO.

State of Colorado)
 ss.
County of El Paso)

On this day of 1918, before me, a notary public in and for said county
in the state aforesaid, appeared this day in person Daniel Strobel, who is personally
known to me to be the person whose name is subscribed to the foregoing instrument, and
acknowledged to me that he signed, sealed and delivered the said instrument of writing
as his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal.

My commission expires

Notary Public.

EXHIBIT A
Page 12 of 16

Book 458

No. 264740)
Quit Claim Deed)
Charles F. Grotz, et al)
 to)
John G. Morgan)
Filed for Record 11:55 A.M.)
March 20, 1919.)
E. A. Jackson, Recorder)

QUIT CLAIM DEED.

(THIS DEED, Made this 31st day of January, in the year of
) our Lord one thousand nine hundred and nineteen, between
) CHARLES F. GROTZ and WILLIAM GROTZ, of the City and County
) of Denver and State of Colorado, of the first part, and
) JOHN G. MORGAN, of the City and County of Denver and State
) of Colorado, of the second part;

(WITNESSETH, That the said parties of the first part,
) for and in consideration of the sum of One Hundred and Ten
) Dollars (\$110.00) to the said parties of the first part in
hand paid by the said party of the second part, the receipt whereof is hereby confessed
and acknowledged, have remised, released, sold, conveyed and QUIT-CLAIMED, and by these
presents do remise, release, sell, convey and QUIT-CLAIM unto the said party of the second
part, his heirs and assigns forever, all the right, title, interest, claim and demand
which the said parties of the first part have in and to the following described land, sit-
uate, lying and being in the County of El Paso and State of Colorado, to-wit:

A strip of land, for canal purposes, in Section Thirty-two (32) Township
Twelve (12), South, Range Sixty-three (63), West of the Sixth Principal Meridian, as



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specifically shown on attached map, the exterior boundaries of which are described as follows, to-wit:

Beginning at a point 700 feet North of the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32); thence South Forty degrees (40°) nine minutes (9') East nine hundred and twenty-five (925) feet; thence East one hundred and thirty-five (135) feet; thence North Forty degrees (40°) nine minutes (9') West eleven hundred and twenty-five (1125) feet; thence South one hundred and fifty (150) feet, to the point of beginning.

Provided that if the party of the second part, his executors, administrators or assigns, shall abandon the use of this parcel of land for canal purposes or shall fail to operate, maintain and keep the canal in repair in compliance with all the laws of the State of Colorado and so as to prevent any injury to the property of the parties of the first part, then this deed shall become null and void and the title to said premises shall revert and become vested, without further action, in the parties of the first part, their heirs, executors, administrators and assigns. Provided further, the said John G. Morgan shall within thirty days after receiving notice respecting the same, construct and thereafter maintain across said ditch at each point as the first parties may designate, a good and substantial bridge sufficient for the passage of vehicles, including wagons and automobiles, and hauling of loads across the same, said bridge to be constructed and maintained at the expense of the said John G. Morgan, his heirs and assigns.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever, subject to the foregoing conditions.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Charles F. Grotz (SEAL)
William Grotz (SEAL)

I. R. Stamp,
\$.50
Canceled

State of Colorado)
City and County of Denver) ss.

I, Ernest L. Rhoads, a notary public in and for said City and County, in the State aforesaid, do hereby certify that CHARLES F. GROTZ and WILLIAM GROTZ, who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 15th day of March, A. D. 1919.

My commission expires July 23rd 1922.

Ernest L. Rhoads
Notary Public.



EXHIBIT A
Page 13 of 16

Owned by Grotz Bros.
Right of Way Map for
J. B. Margen. Overflow and
Underflow Ditch.

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MAY 06 2003

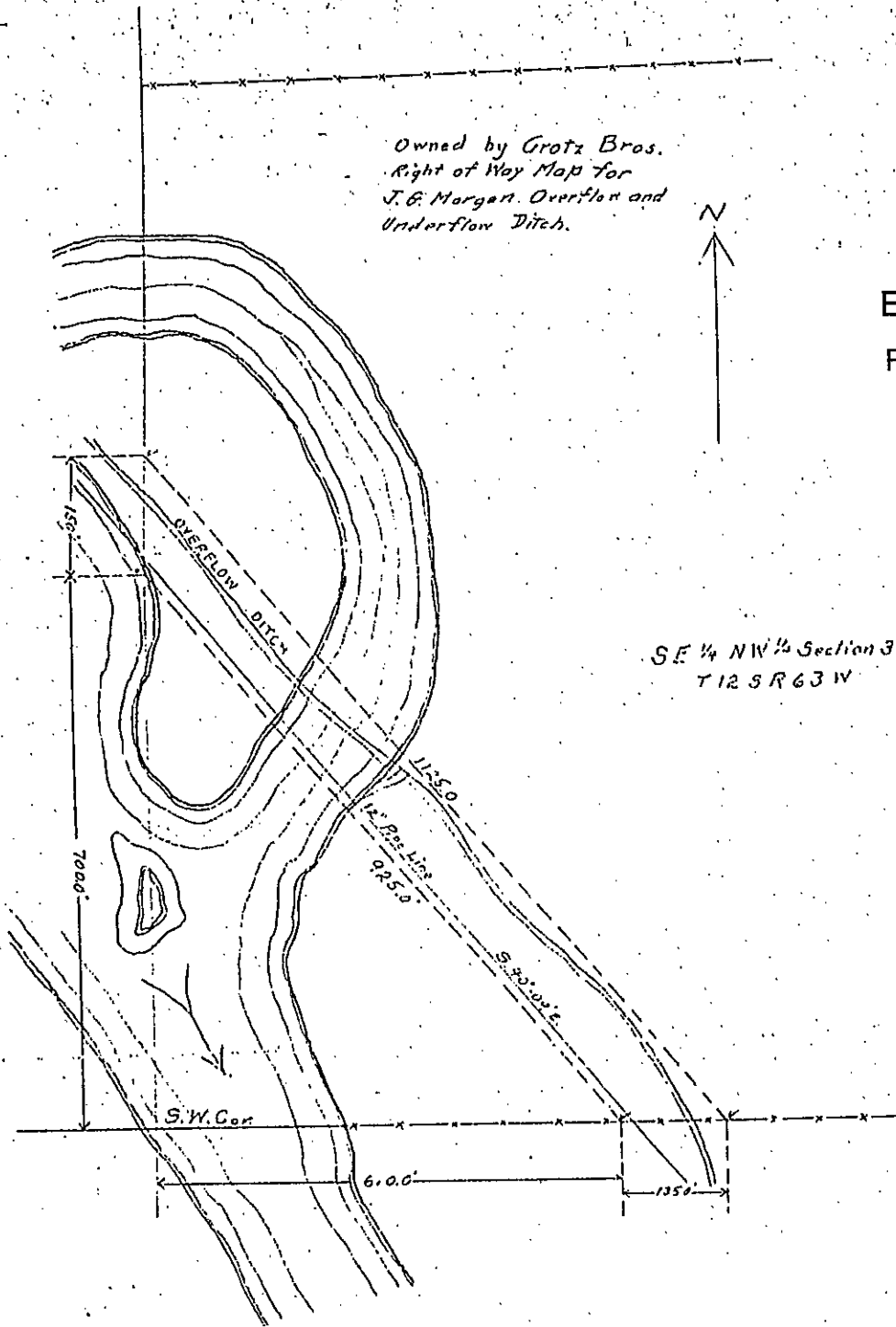
WATER RESOURCES
STATE ENGINEER
COLO.

EXHIBIT A

Page 14 of 16



SE 1/4 NW 1/4 Section 32
T12S R63W



No. 266238

QUIT CLAIM DEED.

Quit Claim Deed
Charles F. Grotz, et al
to
John G. Morgan
Filed for record 11:05 A.M.
April 25, 1919
E. A. Jackson, Recorder

(THIS DEED, Made this 31st day of January, in the year of our
(Lord one thousand nine hundred and nineteen, between CHARLES F.
(GROTZ and WILLIAM GROTZ, of the City and County of Denver and
(State of Colorado, of the first part, and JOHN G. MORGAN, of the
(City and County of Denver and State of Colorado, of the second
(part;
(WITNESSETH, That the said parties of the first part, for and

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STATE ENGINEER
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State
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said,
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in consideration of the sum of One Hundred and Ten Dollars
(\$110.00) to the said parties of the first part in hand paid by
the said party of the second part, the receipt whereof is hereby confessed and acknowledged,
have remised, sold, conveyed and QUIT-CLAIMED, and by these presents do remise, release, sell
convey and QUIT-CLAIM unto the said party of the second part, his heirs and assigns forever,
all the right, title, interest, claim and demand which the said parties of the first part have
in and to the following described land, situate, lying and being in the County of El Paso and
State of Colorado, to-wit: A strip of land, for canal purposes, in Section Thirty-two (32)
Township Twelve (12), South, Range Sixty-three (63), West of the Sixth Principal Meridian,
as specifically shown on attached map, the exterior boundaries of which are described as
follows, to-wit:

Beginning at a point 700 feet North of the Southwest corner of the Southeast quarter
(SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32); thence South Forty degrees
(40°) nine minutes (9') East nine hundred and twenty-five (925) feet; thence East one hundred
and thirty-five (135) feet; thence North Forty degrees (40°) nine minutes (9') West eleven
hundred and twenty-five (1125) feet; thence South one hundred and fifty (150) feet, to the
point of beginning.

Provided that if the party of the second part, his executors, administrators or assigns
shall abandon the use of this parcel of land for canal purposes or shall fail to operate,
maintain and keep the canal in repair in compliance with all the laws of the State of Colorado
and so as to prevent any injury to the property of the parties of the first part, then this
deed shall become null and void and the title to said premises shall revert and become vested,
without further action, in the parties of the first part, their heirs, executors, adminis-
trators and assigns. Provided further, the said John G. Morgan shall within thirty days after
receiving notice respecting the same, construct and thereafter maintain across said ditch at
such point as the first parties may designate, a good and substantial bridge sufficient for
the passage of vehicles, including wagons and automobiles, and hauling of loads across the
same, said bridge to be constructed and maintained at the expense of the said John G. Morgan,
his heirs and assigns.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and
privileges thereunto belonging or in any wise thereunto appertaining, and all the estate,
right, title, interest and claim whatsoever, of the said parties of the first part, either in
law or equity; to the only proper use, benefit and behoof of the said party of the second part
his heirs and assigns forever, subject to the foregoing conditions.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands
and seals the day and year first above written.
Charles F. Grotz (Seal)
William Grotz (Seal)

EXHIBIT A
Page 15 of 16

459-BD

BEFORE THE COLORADO GROUND WATER COMMISSION

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT – EL PASO COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., the Robert C. Norris Family Trust (hereinafter "applicant") has applied for determinations of water right to allow the appropriation of designated ground water from the Laramie-Fox Hills, Arapahoe and Denver aquifers underlying 6955.31 acres consisting of six noncontiguous tracts of land generally described as: Area A – 480.29 acres consisting of the E1/2 and SW1/4 of Section 9, Township 13 South, Range 64 West of the 6th P.M.; Area B – 676.09 acres consisting of the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th P.M.; Area C – 119.97 acres consisting of the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31, Township 12 South, Range 63 West of the 6th P.M.; Area D – 3915.69 acres consisting of all of Sections 1, 2 and 3, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West, and all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, all in Township 13 South, Range 63 West of the 6th P.M.; Area E – 433.6 acres consisting of the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, Township 12 South, Range 63 West of the 6th P.M.; Area F – 1329.67 acres consisting of land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above described aquifers under this property. The ground water appropriations from these aquifers will be used on the described property for the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be appropriated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above described aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for appropriation from each of the described aquifers underlying the above described property to be as follows: Area A - 166 acre-feet for the Laramie-Fox Hills, 184 acre-feet for the Arapahoe, and 160 acre-feet for the Denver; Area B - 218 acre-feet for the Laramie-Fox Hills, 259 acre-feet for the Arapahoe, and 229 acre-feet for the Denver; Area C – 40.5 acre-feet for the Laramie-Fox Hills, 45.9 acre-feet for the Arapahoe, 20.2 acre-feet for the Denver not-nontributary 4% area, and 20.6 acre-feet for the Denver not-nontributary actual impact replacement area; Area D - 1292 acre-feet for the Laramie-Fox Hills, 1564 acre-feet for the Arapahoe, 702 acre-feet for the Denver not-nontributary 4% area, and 621.5 acre-feet for the Denver not-nontributary actual impact replacement area; Area E - 153 acre-feet for the Laramie-Fox Hills, 169 acre-feet for the Arapahoe, 6.9 acre-feet for the Denver not-nontributary 4% area, and 140 acre-feet for the Denver not-nontributary actual impact replacement area; Area F - 469 acre-feet for the Laramie-Fox Hills, 520 acre-feet for the Arapahoe, and 450 acre-feet for the Denver, subject to final staff evaluation. The estimated available annual acre-feet appropriation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

EXHIBIT B

Page 2 of 2

459-BD

The amounts for the Denver aquifer represent a reduction in the initial annual amounts determined to be available to allow for the annual withdrawals from fifteen (15) small-capacity wells located on the described property areas, permit nos. 12874, 15570, 17023, 25641, 25642, 57271, 72096, 81669, 81670, 84434, 104413, 124092, 132587, 189756, 205140.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the Laramie-Fox Hills and Arapahoe aquifers underlying the above described 6955.31 acre property to be nontributary. The replacement water status for the Denver aquifer is not-nontributary, more specifically described for each area as follows: Area A - actual impact replacement; Area B - 4% replacement; Area C - 4% replacement underlying 59.9 acres of the area and actual impact replacement underlying 60.47 acres of the area; Area D - 4% replacement underlying 2075 acres of the area and actual impact replacement underlying 1840.69 acres of the area; Area E - 4% replacement underlying 20.3 acres of the area and actual impact replacement underlying 413.3 acres of the area; Area F - actual impact replacement.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed appropriation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 6955.31 acre property. Well permits for wells to withdraw ground water from the Denver aquifer underlying the above described Area A, the 60.47 acre portion of Area C, the 1840.69 acre portion of Area D, the 413.3 acre portion of Area E, and Area F, would also be subject to the conditions of a replacement plan to be approved by the Commission.

Any person wishing to object to the approval of these determinations of water right must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by September 15, 2003.

DIVISION OF WATER RESOURCES
STATE OF COLORADO

Robert C. Norris Family Trust
Receipt No. 510111 B
Denver aquifer (TKd) not-nontributary
delineation

- EXHIBIT C - 459-BD

- Sec3tob.shp
- Norris_nnt.shp
- Alluvium_tkd.shp
- Burnett_intsec1.shp
- Parcels.shp



Office of the State Engineer
Division of Water Resources
Department of Natural Resources

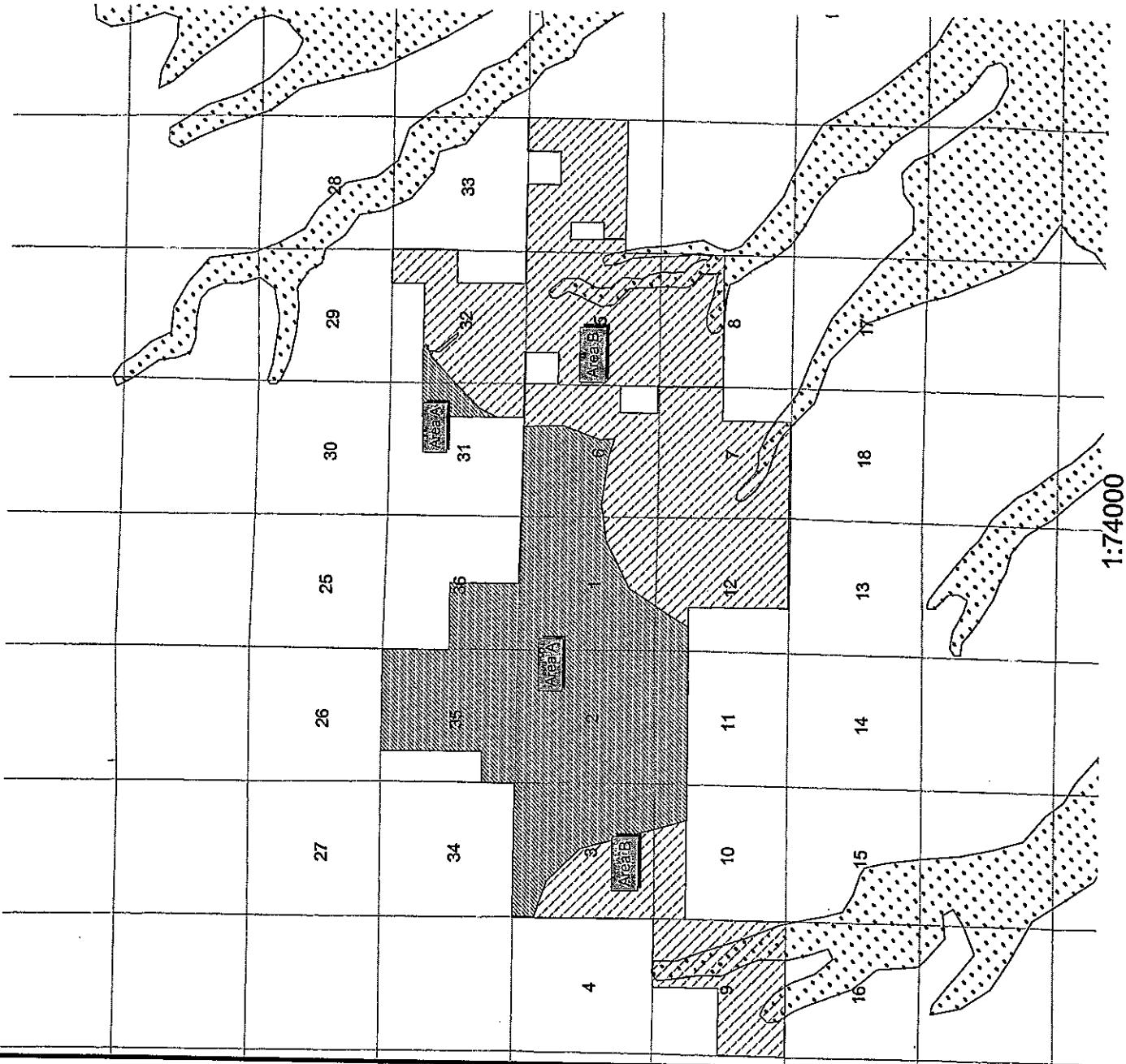


EXHIBIT D

Brent Houser Enterprises
Replacement Plan

Estimated Groundwater Volumes for Rodriguez Ranch

Location: Section 2, Township 13 S, Range 64 W
 Parcel Nos.: 4300000534, 4300000537, 4300000538
 Address: 11890 Garrett Road, Peyton, CO 80831-7685
 Well or Case Number: 316614-F Denver
 Elevation: 6,704 Feet
 Surface Area: 493.21 Acres
 Number of lots: 144
 Number of wells: 144
 Designated Basin: Upper Black Squirrel
 Management District: Upper Black Squirrel Management District

Aquifer	Surface Area (Acres)	Net Sand (ft)	Avg. Specific Yield (%)	Total Approp. Volume (AF)	100-year Ann. Approp. (AF/yr)	300-year Ann. Approp. (AF/yr)	300-year Ann. Approp. (AF/yr) - Adjusted
Upper Dawson (NNT)	493.21	N/A	N/A	N/A	N/A	N/A	N/A
Denver (NNT) ¹	493.21	200.00	17.00%	16769.14	167.69	55.90	55.61
Upper Arapahoe (NT)	493.21	227.40	17.00%	19066.51	190.67	63.56	63.56
Laramie-Fox Hills (NT)	493.21	214.80	15.00%	15891.23	158.91	52.97	52.97

Note 1: Denver Aquifer allocations had already been previously adjudicated as part of Determination No. 459-BD

Appendix B: Estimated Annual Water Use and Pumping Rates

Use	Constant	Unit
RESIDENTIAL DEMAND		
For residential 144 lots		
Domestic Indoor	0.260	AF/year
Irrigation ¹	0.028	AF/year
Stock Watering ²	0.000	AF/year
Total Well Demand	0.288	AF/year/lot
Note 1: Assume 500 ft ² at 0.0566 AF/1,000 ft ²		
Note 2: Assume 0 horses at 0.011 AF/horse/year		

Use	Constant	Unit
COMMERCIAL DEMAND		
For 3 Commercial Lots - Total		
Commercial Use ¹	13.782	AF/year
Irrigation ²	0.057	AF/year
Total Well Demand	13.838	AF/year/lot

Note 1: Assume 0.10 gpd/ft² (15% of 18.83 acres = 123,035 ft²)
 Note 2: Assume 1,000 ft² at 0.0566 AF/1,000 ft²

Total Demand: 55,353 AF/year
 Estimated Return Flows through Septic (domestic and indoor use only) 90.00%
 Percent of domestic: Indoor 46,100 AF/year - Denver
 Volume return.

Table 3: AUG-3 NNT Formation in 4% area - Maximum Depletions - Section 2, Township 13 S, Range 64 W Designated Basin_V2019 for use inside Upper Black Squirrel Basin

Not-Nontributary Aquifers - Upper Black Squirrel Basin - 11890 Garrett Road, Peyton, CO 80831-7685			
Pumping Interval	Designated Basin - Maximum Total Depletions		
	Formation	Total Depl. (AF/yr)	Total Depl. (% of Pumping) Year of Max. Depletion
300-year pumping period (All Designated Basins)	Denver (NNT)	2.2141	4.000% 300
300-year pumping period (Upper Black Squirrel Only)	Denver (NNT)	2.2141	4.000% 300

Form no. **COLORADO GROUND WATER COMMISSION**
 GWS-69 **DIVISION OF WATER RESOURCES**
 (5-2019) **DEPARTMENT OF NATURAL RESOURCES**
1313 Sherman St, Room 821, Denver, CO 80203
(303) 866-3581, dwr.colorado.gov, dwrpermitsonline@state.co.us

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

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

1. APPLICANT INFORMATION	
Name of Applicant Brent Houser Enterprises, LLC	
Mailing Address 11890 Garrett Road, Peyton, Colorado 80831	
Telephone Number (include area code) 719-499-2363	Email estebrod17@gmail.com/rwf@cowaterlaw.com
2. AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN	
Aquifer in which the plan will operate: <u>Denver (459-BD)</u>	
County: <u>El Paso</u> Section <u>2 and 11</u> , Township <u>13</u> N <input checked="" type="checkbox"/> S Range <u>64</u> W	
3 THE FOLLOWING MUST BE PROVIDED AS ATTACHEMENTS TO THIS APPLICATION	
<p>A. A report containing all information required to be submitted for a replacement plan as required by Designated Basin Rule 5.6.2 (Rule 5.6.2 is provided as an attachment to this form).</p> <p>B. If the replacement plan is for the purpose of allowing withdrawals of ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer pursuant to Section 37-90-107(7), C.R.S. and in accordance with Designated Basin Rule 5.3.6.2.C, indicate the subject aquifer, the approved determination of water right or pending application for such determination, and provide a table showing the first 100 years of annual depletions to affected alluvial aquifer(s) caused by proposed pumping during the first 100 years, and if pumping continues beyond 100 years the annual depletions to affected alluvial aquifer(s) until pumping ceases.</p>	
4. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.	
Signature	Date:
Print name and title: Esteban Rodriguez, Managing Member	
FOR OFFICE USE ONLY	
DIV _____ CO _____ WD _____ BASIN _____ MD _____	

INSTRUCTIONS - APPLICATION FOR A REPLACEMENT PLAN

ITEM 1 - APPLICANT INFORMATION - Provide the applicant's name, telephone number, mailing address and email where all correspondence will be sent.

ITEM 2 – AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN – Identify the aquifer in which the plan will operate and the general location where water will be withdrawn and replacement water provided.

ITEM 3 – REQUIRED ATTACHEMENTS TO THIS APPLICATION

- A. - The report is typically prepared by an engineer and/or attorney.
 - Designated Basin Rule 5.6.1 states the applicant shall have the burden of proving the adequacy of the plan in all respects. Therefore, the applicant and/or the applicant's consultant should review all of Rule 5.6 to ensure the plan considers and addresses all requirements for approval and operation of a replacement plan, and that the plan is adequate to prevent any material injury to water rights of other appropriators and will not cause unreasonable impairment of water quality.
 - The Designated Basin Rules are available on the Ground Water Commission's webpage at: <http://dwr.colorado.gov/services/well-permitting#well-permitting-rules>
- B. Designated Basin Rule 5.3.6.2.C requires that the amount of replacement water shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping and if pumping continues beyond 100 years, shall replace actual impact until pumping ceases.

Be advised:

- Section 37-90-107.5, C.R.S, requires the applicant to submit a summary of the application to the Commission for publication. Pursuant to Designated Basin Rule 5.6.2.N, the written summary of the application may be required to be provided in electronic form to facilitating publication of the application. The applicant will be contacted via email to provide the electronic form of the summary. If the Commission determines the application for replacement plan to be complete, the summary will be published in a newspaper in each county of concern (e.g. each county involving withdrawals, replacement water deliveries, etc.) once each week for two successive weeks, followed by a 30-day objection period. The applicant is responsible for, and will be billed for, the actual cost of such publication.
- Pursuant to Rule 5.6.2.I, if required by Commission Staff the applicant must submit a ground water model evidencing no material injury to vested rights or unreasonable impairment of water quality will result from operation of the plan.

ITEM 4 - SIGNATURE OF APPLICANT – The application must be signed. If the applicant is a company, corporation, organization, etc, the statement must be signed by an official of the company who must indicate his/her position or capacity that grants authorization to sign. An applicant's authorized agent or attorney may sign the application if a letter signed by the applicant is submitted with the application authorizing them to act as agent for the specific purpose of applying for a determination of water right.

IF YOU HAVE ANY QUESTIONS - call the Division of Water Resources - Ground Water Information Desk - at 303-866-3587

**APPLICATION FOR A REPLACEMENT PLAN -
DESIGNATED BASIN RULE 5.6.2 (page 1)**

5.6.2 Applications for Replacement Plans must contain the following.

- A. Name, mailing address, email address and telephone number of Applicant(s).
- B. Name of designated basin in which plan will be located, and management district, if any, and aquifer in which the plan will operate.
- C. Information regarding other water rights diverted from the structures involved in the plan.
- D. Maps (either USGS topographic base map or other base map as appropriate) showing the locations of all structures involved in the Replacement Plan, including all recharge wells, recharge ponds, and other structures involved in recharging Replacement Source Water, all structures involved in delivering the Replacement Source Water to the project location, and all structures involved in delivering the new diversions to the end use.
- E. A detailed description of the plan and its operation, including the following.
 - 1. A general description of the Replacement Plan project location.
 - 2. The purpose of the Replacement Plan.
 - 3. The detailed description of the physical and legal sources of all proposed Replacement Source Water. Identify the amount of water available for replacement use from each source and provide copies of all decrees, permits, findings and orders and determinations issued by the Ground Water Commission and Courts.
 - 4. The description of how the Replacement Source Water is delivered to the Replacement Plan project for recharge.
 - 5. The method, location, timing, and amount of Replacement Source Water being recharged into the aquifer including without limitation identification of the structures that will recharge the Replacement Source Water, such as by recharge through a well or through a pond.
 - 6. Based on Applicant's proposed Replacement Plan operations, the maximum volume of water proposed to be introduced into the aquifer in any day, month and year, as applicable.
 - 7. The detailed description of the method, location, timing and amount of proposed new diversions and depletions caused by the new appropriations of designated basin water, including without limitation identification of the structures that will divert, legal descriptions of their locations, and identification and copies of all decrees, permits, findings and orders and determinations issued by the Commission and Courts involving the structures.
 - 8. The proposed use of the new diversions.
 - 9. The proposed quantity and quality monitoring plan.
 - 10. The approximate cost of the Replacement Plan project and the approximate date construction will begin and end.

**APPLICATION FOR A REPLACEMENT PLAN -
DESIGNATED BASIN RULE 5.6.2 (page 2)**

- F. Evidence that the plan will not injure other water rights.
- G. Evidence that the plan does not cause unreasonable impairment of water quality. Such evidence shall include water quality for the Replacement Source Water and the water quality of the receiving aquifer unless 5.6.1.B.1.a applies.
- H. Proposed terms and conditions required to prevent injury to other water rights, and prevent unreasonable impairment of water quality.
- I. If required by Commission Staff, the Applicant shall submit a ground water model evidencing no material injury to vested rights or unreasonable impairment of water quality will result from operation of the plan.
- J. A detailed description of the proposed use of the new appropriation of designated ground water which would result under the plan, including where the use will occur.
- K. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which structures that withdraw water and recharge replacement water involved in the plan are located. The Applicant must notify these owners that the Applicant is applying for this Replacement Plan, and provide proof to the Commission that the Applicant has done so, no later than 14 days after filing the application. Applicant may rely on the records maintained by the applicable County, including records available online, to determine the owner(s) or reputed owner(s), unless Applicant has actual knowledge or information of others not identified in said records.
- L. If proposed Replacement Source Water is not legally available for use in the Replacement Plan at the time the application is submitted, the Applicant must identify any applications it has or is submitting or actions it has or is taking to make the source legally available.
- M. Applicant must provide information demonstrating the Applicant's right to use all proposed Replacement Source Water and that the Replacement Source Water will not be used by any other person.
- N. A summary of the application for publication. If required by the Commission, the summary must be submitted in an electronic form that can be provided to the newspaper in which publication occurs.

SUMMARY OF REPLACEMENT PLAN

Application of Brent Houser Enterprises, LLC

Applicant seeks a replacement plan for use of the not-nontributary Denver aquifer underlying a tract of land in El Paso County containing approximately 493.21 acres (“Applicant’s Property”), specifically described in the attached **Exhibit A**. Applicant’s Property is located within the Upper Black Squirrel Designated Ground Water Basin and the Upper Black Squirrel Creek Ground Water Management District. Applicant’s Property overlies Denver Basin groundwater that has been previously determined in Determination Nos. 457-BD (Laramie-Fox Hills), 458-BD (Arapahoe), and 459-BD (Denver). The 459-BD is attached hereto as **Exhibit B**.

Applicant seeks to build up to one hundred forty-four (144) residences on Applicant’s Property as part of a subdivision process, along with approximately 18.83 acres designated for commercial use, which is shown on the attached **Exhibit C** sketch plan. Applicant proposes for each individual residential lot to have its own Denver well with each pumping a maximum of 0.288 acre-feet of water annually per lot for a combined total of 41.472 acre-feet of pumping for residential uses, including, but not limited to domestic use within single family dwellings and irrigation for both landscape and limited crops (indoor and outdoor). 0.26 acre-feet per lot is presumed as the in-house usage amount with the remaining 0.028 available for other uses, including irrigation. All residential lots will have a non-evaporative septic system for waste disposal. 13.838 acre-feet of Denver water will be utilized for commercial purposes on 18.83 acres of the Applicant’s Property, with 13.782 presumed to be used inside businesses with the remaining 0.057 for irrigation purposes. Such commercial use will be mixed use, including, but not limited to, retail, professional offices, and restaurants. All commercial facilities will discharge septic return flows to onsite non-evaporative septic systems in the same manner as the residential development.

Applicant’s consultants have determined that maximum annual depletions to be replaced from the pumping of the Denver aquifer in this location amount to the statutorily determined 4% of annual withdrawals. As such, the pumping of 55.353 acre-feet annually from the Denver aquifer results in a maximum depletion to be replaced of 2.214 acre-feet. Replacements shall be made by means of non-evaporative septic return flows in the amount of 90% of diversions to indoor domestic and commercial uses. The total of 51.278 acre-feet is projected to be used within houses or businesses based on the estimate of 0.26 acre-feet per residential lot will be used in-house and 13.838 acre-feet will be used within businesses. Based on these amounts, the resulting septic return flows, being 90% of inside water use, amounts to 46.1 acre-feet annually for residences and commercial uses combined. Annual replacement of 46.1 acre-feet is more than sufficient to meet the

obligation of replacing 4% of pumping annually, or 2.214 acre-feet. See attached **Exhibit D** spreadsheet of use.

The use of non-evaporative septic system return flows complies with Rule 5.6.1.B.1.b as an onsite wastewater treatment system and will not cause any unreasonable impairment or cause injury to others' water rights. The water quality in the Denver aquifer in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits. There is a general acceptance of suitable and sufficient water quality for residences utilizing Denver Basin groundwater supplies. The well(s) and septic system(s) to be built will meet or exceed all regulatory requirements, including El Paso County permitting requirements. All water pumped from the well will be metered to ensure no water beyond that permitted is pumped, and Applicants will provide accounting of the pumping and use of such water as required by the Commission.

Applicant's project is for the platting of 144 residential lots and the creation of 18.83 acres of commercial development. The proposed cost of the Replacement Plan project amounts to \$5,492,000.00 with construction estimated to begin in the fall of 2023 with completion planned for fall of 2024.

Total annual replacement for the pumping of 55.353 annual acre-feet amounts to 41.6 acre-feet, or 75% of pumping, exceeding the maximum total depletions to be replaced of 2.214 acre-feet, or 4% of pumping, over the 300-year life of the replacement plan.

Appendix D

***El Paso County Land Development Code
Water Quality Requirements and Results
Denver Confined Aquifer
For Esteban Rodriguez Subdivision
Sampled April 3, 2023***

Compound	Units	MCL/SMCL	Result
Antimony	mg/l	0.006	0
Arsenic	mg/l	0.01	0
Barium	mg/l	2	0.0255
Beryllium	mg/l	0.004	0
Cadmium	mg/l	0.005	0
Chromium	mg/l	0.1	0
Cyanide (Total)	mg/l	0	0
Fluoride	mg/l	4	0.97
Mercury	mg/l	0.002	0
Nitrate as N	mg/l	10	0
Nitrite as N	mg/l	1	0
Selenium	mg/l	0.05	0
Thallium	mg/l	0.002	0
Aluminum	mg/l	0.05	0.002
Chloride	mg/l	250	15.5
Langelier Index			-0.22
Iron	mg/l	0.3	0.056
Manganese	mg/l	0.05	0.0497
pH		6.5 - 8.5	7.67
Silver	mg/l	0.1	0
Sulfate	mg/l	250	89.4
TDS	mg/l	500	433
Zinc	mg/l	5	0
Gross Alpha/Beta	pCi/l	15	< 3.5
Combined Radium 226+228	pCi/l	5	0.6
E.Coli	#/100 ml	Absent	Absent
Total Coliform	#/100 ml	Absent	Absent

Green = Result below MCL - Acceptable Water Quality



Analytical Results

TASK NO: 230404072

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

Bill To: Stephanie Schwenke
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Task No.: 230404072
Client PO:
Client Project: Rodriguez Subdivision
Date Received: 4/4/23
Date Reported: 5/22/23
Matrix: Water - Drinking

Lab Number	Customer Sample ID	Sample Date/Time	Test	Result	Method	Date Analyzed
230404072-01A	Rodriguez Well #1	4/3/23 12:45 PM	Total Coliform	Absent	SM 9223	4/5/23
			E-Coli	Absent	SM 9223	4/5/23

Abbreviations/ References:

Absent = Coliform Not Detected
Present = Coliform Detected - Chlorination Recommended
Date Analyzed = Date Test Completed
SM = "Standard Methods for the Examination of Water and Wastewater"; APHA; 19th Edition; 1995

DATA APPROVED FOR RELEASE BY

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313
Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

EPC Confined Aquifer Sampling Requirements

Field Measurements

pH
Temp

Radionuclides

Radium 226 and Radium 228
Gross alpha/Beta

Inorganics

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

Secondary MCLs

Aluminum
Chloride
Corrosivity
Iron
Manganese
Silver
Sulfate
Zinc
TDS

Bacteriological:

Total Coliform

- P/A per coc d testing history - R 4/4

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

Bill To: Stephanie Schwenke
Company: RESPEC Company, LLC
 5540 Tech Center Drive
 Suite 100
 Colorado Springs CO 80919

Task No.: 230404072
Client PO:
Client Project: Rodriguez Subdivision

Date Received: 4/4/23
Date Reported: 5/22/23
Matrix: Water - Drinking

Customer Sample ID: Rodriguez Well #1
Sample Date/Time: 4/3/23 12:45 PM
Lab Number: 230404072-01

Test	Result	Method	RL	Date Analyzed	QC Batch ID	Analyzed By
Bicarbonate	258.3 mg/L as CaCO ₃	SM 2320-B	0.2 mg/L as CaCO ₃	4/10/23	-	TAB
Calcium as CaCO ₃	37.0 mg/L	EPA 200.7	0.1 mg/L	4/6/23	-	MBN
Carbonate	ND	SM 2320-B	0.2 mg/L as CaCO ₃	4/10/23	-	TAB
Hydroxide	ND	SM 2320-B	0.2 mg/L as CaCO ₃	4/10/23	-	TAB
Langelier Index	-0.22 units	SM 2330-B	units	4/11/23	-	SAN
pH	7.67 units	SM 4500-H-B	0.01 units	4/4/23	-	TAB
Temperature	20 °C	SM 4500-H-B	1 °C	4/4/23	-	TAB
Total Alkalinity	258.3 mg/L as CaCO ₃	SM 2320-B	4.0 mg/L as CaCO ₃	4/10/23	QC64143	TAB
Total Dissolved Solids	433 mg/L	SM 2540-C	5 mg/L	4/6/23	QC64035	ISG

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
 mg/L = Milligrams Per Liter or PPM
 ug/L = Micrograms Per Liter or PPB
 mpn/100 mls = Most Probable Number Index/ 100 mls
 Date Analyzed = Date Test Completed

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

Report To: Stephanie Schwenke
Company: RESPEC Company, LLC

Receive Date: 4/4/23
Project Name: Rodriguez Subdivision

Test	QC Batch ID	QC Type	Result	Method	Prep Date
Total Alkalinity	QC64143	Blank	ND	SM 2320-B	4/10/23
Total Dissolved Solids	QC64035	Blank	ND	SM 2540-C	4/5/23

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Total Alkalinity	QC64143	Duplicate	0 - 20	-	0.7	SM 2320-B
		LCS	90 - 110	101.9	-	
		LCS-2	90 - 110	108.0	-	
Total Dissolved Solids	QC64035	Duplicate	0 - 20	-	10.5	SM 2540-C
		LCS	85 - 115	100.7	-	

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



DATA APPROVED FOR RELEASE BY

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
 mg/L = Milligrams Per Liter or PPM
 ug/L = Micrograms Per Liter or PPB
 mpn/100 mls = Most Probable Number Index/ 100 mls
 Date Analyzed = Date Test Completed

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



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

Lab Control ID: 23H01590
Received: Apr 07, 2023
Reported: May 18, 2023
Purchase Order No.
None Received

Customer ID: 20040H
Account ID: Z01034

Stuart Nielson
Colorado Analytical Laboratories, Inc.
10411 Heinz Way
Commerce City, CO 80640

ANALYTICAL REPORT

*Report may only be copied in its entirety.
Results reported herein relate only to discrete samples
submitted by the client. Hazen Research, Inc. does not warrant
that the results are representative of anything other than the
samples that were received in the laboratory*

By: Michelle Stringer for
Roxanne Sullivan
Analytical Laboratories Director

Customer ID: 20040H
 Account ID: Z01034
ANALYTICAL REPORT

Stuart Nielson
 Colorado Analytical Laboratories, Inc.

Lab Sample ID		23H01590-001						
Customer Sample ID		230404072-01D - Rodriguez Subdivision - Rodriguez Well #1 sampled on 04/03/23 @ 1245						
Parameter	Units	Code	Result	Precision* +/-	Detection Limit	Method	Analysis Date / Time	Analyst
Gross Alpha	pCi/L	T	<0.1 [^]	3.2	0.1	SM 7110 B	4/27/23 @ 0840	KT
Gross Beta	pCi/L	T	<3.5 [^]	3.1	3.5	SM 7110 B	4/27/23 @ 0840	KT
Radium-226	pCi/L	T	NR	-	-	SM 7500-Ra B	-	-
Radium-228	pCi/L	T	NR	-	-	EPA pg.19	-	-

NR - Not Requested - Analysis not requested on this sample.

Certification ID's: CO/EPA CO00008

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

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

[^] Due to the large amount of total or dissolved solids in the sample, reduced aliquots were used for the gross alpha analysis.

Customer ID: 20040H
 Account ID: Z01034
ANALYTICAL REPORT

Stuart Nielson
 Colorado Analytical Laboratories, Inc.

Lab Sample ID		23H01590-002						
Customer Sample ID		230404072-01E - Rodriguez Subdivision - Rodriguez Well #1 sampled on 04/03/23 @ 1245						
Parameter	Units	Code	Precision* Detection			Method	Analysis	
			Result	+/-	Limit		Date / Time	Analyst
Gross Alpha	pCi/L	T	NR	-	-	SM 7110 B	-	-
Gross Beta	pCi/L	T	NR	-	-	SM 7110 B	-	-
Radium-226	pCi/L	T	<0.2	0.2	0.2	SM 7500-Ra B	5/15/23 @ 1020	JR
Radium-228	pCi/L	T	0.6	0.7	0.2	EPA pg.19	5/1/23 @ 1240	JR

NR - Not Requested - Analysis not requested on this sample.

Certification ID's: CO/EPA CO00008

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

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

^ Due to the large amount of total or dissolved solids in the sample, reduced aliquots were used for the gross alpha analysis.

Batch QC Summary Form

Analyte: Gross Alpha

Control Standard/LFB: ID: C11a-003 pCi/mL: 57.4 (use 1 diluted)

Spike Solution: ID: C11a-003 pCi/mL: 57.4 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(48.3) (1.000) - (0.0) (0.200)}{57.4} \times 100 = 84\%$$

Batch QC Evaluation:

Parameter	Criteria	Pass	Fail	N/A
Control Std./LFB	+/- 30 %	X		
Spike Recovery	70 - 130 %	x		
Blank	< or = 3 x Uncertainty	X		
Duplicate 1	95% confidence interval overlap	X		
Duplicate 2 *	95% confidence interval overlap	X		

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

<u>23H01568</u>	<u>23H01594</u>
<u>23H01569</u>	<u>23H01595</u>
<u>23H01570</u>	<u>23H01596</u>
<u>23H01572</u>	<u>23H01597</u>
<u>23H01576</u>	_____
<u>23H01579</u>	_____
<u>23H01589</u>	_____
<u>23H01590</u>	_____
<u>23H01591</u>	_____

Evaluator:

Michelle Stringer _____

05/01/2023

Date

**HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY**

Date: 04/26/2023

Batch QC Summary Form

Analyte: Gross Beta

Control Standard/LFB: ID: C11a-003 pCi/mL: 44 (use 1 diluted)

Spike Solution: ID: C11a-003 pCi/mL: 44 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(38.4) (1.000) - (0.0) (0.200)}{44} \times 100 = 87\%$$

Batch QC Evaluation:

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

* Required for batch size greater than 10 samples.

Conclusions:

- Batch QC Passes**
- Batch QC Fails
- Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

<u>23H01568</u>	<u>23H01594</u>
<u>23H01569</u>	<u>23H01595</u>
<u>23H01570</u>	<u>23H01596</u>
<u>23H01572</u>	<u>23H01597</u>
<u>23H01576</u>	_____
<u>23H01579</u>	_____
<u>23H01589</u>	_____
<u>23H01590</u>	_____
<u>23H01591</u>	_____

Evaluator:

Michelle Stringer _____

05/01/2023

Date

**HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY**

Date: 05/15/2023

Batch QC Summary Form

Analyte: Radium-226

Control Standard/LFB: ID: C1-002 pCi/mL: 23 (use 2 diluted)

Spike Solution: ID: C1-002 pCi/mL: 23 (use 2 mL)

Spike Recovery Calculation: Sample: 23H01608-2d

$$\text{Calculation: } \frac{(48.7) (1.000) - (1.7) (1.000)}{46} \times 100 = 102\%$$

Batch QC Evaluation:

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

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

23H01589 _____
23H01590 _____
23H01593 _____
23H01594 _____
23H01595 _____
23H01596 _____
23H01607 _____
23H01608 _____

Evaluator:

Michelle Stringer _____

05/17/2023

Date

**HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY**

Date: 05/01/2023

Batch QC Summary Form

Analyte: Radium-228

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

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

Spike Recovery Calculation: Sample: 23H01655-1b

$$\text{Calculation: } \frac{(76.8) (1.000) - (2.7) (1.000)}{72.5} \times 100 = 102\%$$

Batch QC Evaluation:

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

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

<u>23H01579</u>	_____
<u>23H01590</u>	_____
<u>23H01592</u>	_____
<u>23H01593</u>	_____
<u>23H01655</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Evaluator:

Michelle Stringer _____

05/05/2023

Date

2340/590

Ship To: Hazen Research

Preserved: Y (N)

HNO3 Lot #: N/A

Date Preserved: N/A



LABORATORIES, INC.

Report To Information Company Name: <u>Colorado Analytical Laboratory</u> Report To: <u>Stuart Nielson</u> E-Mail: <u>stuartnielson@coloradolab.com</u>	Bill To Information (if different from report to) Project Name <u>Rodriguez Subdivision</u>
Address: <u>10411 Heinz Way</u> <u>Commerce City, CO 80640</u> Phone: <u>303-659-2313</u>	CAL TASK <u>230404072</u> JML Compliance Samples: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Submit Data to CDPHE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Tests Requested

Sample Date/Time	Sample ID	Matrix	Container Type
4/3/23 12:45 PM	230404072-01D - Rodriguez Well #1	Water - Drinking	1L - Unpreserved
4/3/23 12:45 PM	230404072-01E - Rodriguez Well #1	Water - Drinking	3 - 1L - Unpreserved

Comment: 230404072-01E - Limited volume provided.

Radium 228 (Sub)	
Gross Alpha/Beta (Sub)	X
Radium 226 (Sub)	X

Preservation AR 1000 4/8/23

A10 Preservation MC@ 15.5 4/7/23

Relinquished by: <u>[Signature]</u>	Date: <u>4/5/23</u>	Received by: <u>[Signature]</u>	Date: <u>4/7/23</u>
Relinquished by: <u>[Signature]</u>	Date: <u>4/7/23</u>	Received by: <u>[Signature]</u>	Date: <u>4/7/23</u>

830

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

Bill To: Stephanie Schwenke
Company: RESPEC Company, LLC
5540 Tech Center Drive
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Task No.: 230404072
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Client Project: Rodriguez Subdivision
Date Received: 4/4/23
Date Reported: 5/22/23
Matrix: Water - Drinking

Customer Sample ID Rodriguez Well #1
Sample Date/Time: 4/3/23 12:45 PM
Lab Number: 230404072-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
Chloride	15.5 mg/L	EPA 300.0	0.5 mg/L		4/5/23	QC64028	AMJ
Fluoride	0.97 mg/L	EPA 300.0	0.50 mg/L	4	4/5/23	QC64029	AMJ
Nitrate Nitrogen	ND	EPA 300.0	0.25 mg/L	10	4/5/23	QC64030	AMJ
Nitrite Nitrogen	ND	EPA 300.0	0.15 mg/L	1	4/5/23	QC64031	AMJ
Sulfate	89.4 mg/L	EPA 300.0	0.5 mg/L		4/5/23	QC64033	AMJ
Cyanide-Total	ND	EPA 335.4	0.005 mg/L	0.02	4/5/23	QC64056	DPL
Total							
Iron	0.056 mg/L	EPA 200.7	0.005 mg/L	0.3	4/6/23	QC64085	MBN
Aluminum	0.002 mg/L	EPA 200.8	0.001 mg/L	0.05	4/6/23	QC64091	MBN
Antimony	ND	EPA 200.8	0.0012 mg/L	0.006	4/6/23	QC64091	MBN
Arsenic	ND	EPA 200.8	0.0006 mg/L	0.01	4/6/23	QC64091	MBN
Barium	0.0255 mg/L	EPA 200.8	0.0007 mg/L	2	4/6/23	QC64091	MBN
Beryllium	ND	EPA 200.8	0.0001 mg/L	0.004	4/6/23	QC64091	MBN
Cadmium	ND	EPA 200.8	0.0001 mg/L	0.005	4/6/23	QC64091	MBN
Chromium	ND	EPA 200.8	0.0015 mg/L	0.1	4/6/23	QC64091	MBN
Copper	0.0013 mg/L	EPA 200.8	0.0008 mg/L	1.3	4/6/23	QC64091	MBN
Manganese	0.0497 mg/L	EPA 200.8	0.0008 mg/L	0.05	4/6/23	QC64091	MBN
Mercury	ND	EPA 200.8	0.0001 mg/L	0.002	4/6/23	QC64091	MBN
Selenium	ND	EPA 200.8	0.0008 mg/L	0.05	4/6/23	QC64091	MBN
Silver	ND	EPA 200.8	0.0005 mg/L	0.1	4/6/23	QC64091	MBN
Thallium	ND	EPA 200.8	0.0002 mg/L	0.002	4/6/23	QC64091	MBN

Abbreviations/ References:

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

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

Analytical Results

TASK NO: 230404072

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

Bill To: Stephanie Schwenke
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Task No.: 230404072	Date Received: 4/4/23
Client PO:	Date Reported: 5/22/23
Client Project: Rodriguez Subdivision	Matrix: Water - Drinking

Customer Sample ID Rodriguez Well #1
Sample Date/Time: 4/3/23 12:45 PM
Lab Number: 230404072-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
<u>Total</u> Zinc	ND	EPA 200.8	0.001 mg/L	5	4/6/23	QC64091	MBN

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Analytical QC Summary

TASK NO: 230404072

Report To: Stephanie Schwenke
Company: RESPEC Company, LLC

Receive Date: 4/4/23
Project Name: Rodriguez Subdivision

Test	QC Batch ID	QC Type	Result	Method	Prep Date
Chloride	QC64028	Blank	ND	EPA 300.0	4/4/23
Cyanide-Total	QC64056	Blank	ND	EPA 335.4	4/5/23
Fluoride	QC64029	Blank	ND	EPA 300.0	4/4/23
Aluminum	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Antimony	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Arsenic	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Barium	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Beryllium	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Cadmium	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Chromium	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Copper	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Manganese	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Mercury	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Selenium	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Silver	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Thallium	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Zinc	QC64091	Method Blank	ND	EPA 200.8	4/4/23
Iron	QC64085	Method Blank	ND	EPA 200.7	4/4/23
Nitrate Nitrogen	QC64030	Blank	ND	EPA 300.0	4/4/23
Nitrite Nitrogen	QC64031	Blank	ND	EPA 300.0	4/4/23
Sulfate	QC64033	Blank	ND	EPA 300.0	4/4/23

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Chloride	QC64028	Duplicate	0 - 20	-	0.4	EPA 300.0
		LCS	90 - 110	100.4	-	
		MS	75 - 125	104.2	-	
Cyanide-Total	QC64056	Duplicate	0 - 20	-	0.0	EPA 335.4
		LCS	90 - 110	94.0	-	
		MS	75 - 125	94.5	-	
Fluoride	QC64029	Duplicate	0 - 20	-	2.3	EPA 300.0
		LCS	90 - 110	91.9	-	
		MS	75 - 125	98.2	-	
Aluminum	QC64091	LCS	90 - 110	106.5	-	EPA 200.8
		MS	70 - 130	100.4	-	
		MSD	0 - 10	-	1.5	
Antimony	QC64091	LCS	90 - 110	107.6	-	EPA 200.8
		MS	70 - 130	117.5	-	
		MSD	0 - 10	-	1.4	
Arsenic	QC64091	LCS	90 - 110	103.0	-	EPA 200.8
		MS	70 - 130	123.9	-	
		MSD	0 - 10	-	1.7	

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Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Barium	QC64091	LCS	90 - 110	104.0	-	EPA 200.8
		MS	70 - 130	108.5	-	
		MSD	0 - 10	-	2.9	
Beryllium	QC64091	LCS	90 - 110	105.0	-	EPA 200.8
		MS	70 - 130	112.2	-	
		MSD	0 - 10	-	0.7	
Cadmium	QC64091	LCS	90 - 110	99.1	-	EPA 200.8
		MS	70 - 130	114.4	-	
		MSD	0 - 10	-	0.8	
Chromium	QC64091	LCS	90 - 110	103.1	-	EPA 200.8
		MS	70 - 130	111.8	-	
		MSD	0 - 10	-	0.9	
Copper	QC64091	LCS	90 - 110	102.7	-	EPA 200.8
		MS	70 - 130	108.6	-	
		MSD	0 - 10	-	0.5	
Manganese	QC64091	LCS	90 - 110	105.4	-	EPA 200.8
		MS	70 - 130	112.5	-	
		MSD	0 - 10	-	1.1	
Mercury	QC64091	LCS	90 - 110	98.4	-	EPA 200.8
		MS	70 - 130	115.8	-	
		MSD	0 - 10	-	3.6	
Selenium	QC64091	LCS	90 - 110	104.0	-	EPA 200.8
		MS	70 - 130	122.5	-	
		MSD	0 - 10	-	3.9	
Silver	QC64091	LCS	90 - 110	92.1	-	EPA 200.8
		MS	70 - 130	91.8	-	
		MSD	0 - 10	-	2.7	
Thallium	QC64091	LCS	90 - 110	109.8	-	EPA 200.8
		MS	70 - 130	113.5	-	
		MSD	0 - 10	-	0.9	
Zinc	QC64091	LCS	90 - 110	101.2	-	EPA 200.8
		MS	70 - 130	115.5	-	
		MSD	0 - 10	-	3.1	
Iron	QC64085	Duplicate	0 - 20	-	16.2	EPA 200.7
		LCS	90 - 110	98.4	-	
		MS	75 - 125	104.9	-	
Nitrate Nitrogen	QC64030	Duplicate	0 - 20	-	0.8	EPA 300.0
		LCS	90 - 110	101.0	-	
		MS	75 - 125	95.5	-	
Nitrite Nitrogen	QC64031	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	92.8	-	
		MS	75 - 125	94.0	-	
Sulfate	QC64033	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	101.4	-	
		MS	75 - 125	86.5	-	

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

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DATA APPROVED FOR RELEASE BY

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