



August 1, 2023

PCD File No.:

## Water Resources Report Graupner Subdivision

The following describes the water supply to serve four proposed residential lots on 41.016 acres collectively, and is located within the South 1/2 of Section 32, Township 11 South, Range 64 West, of the 6<sup>th</sup> Principal Meridian in El Paso County, Colorado (Subject Property). This report is to be submitted for the requirements of a Minor Subdivision application to create four proposed lots on the subject property.

This report is based on multiple Colorado Groundwater Commission documents:

Determination #	Item	El Paso County Reception #
4229-BD	Laramie-Fox Hills Aquifer, Findings & Order	221185791
4230-BD	Arapahoe Aquifer, Findings & Order	221185792
4231-BD	Denver Aquifer, Findings & Order	221185793
4232-BD	Dawson Aquifer, Findings & Order	221185794
4232-RP	Dawson Aquifer, Replacement Plan	221185795

These documents reflect the ownership of groundwater rights within each respective aquifer for Garrett & Bethany Graupner of 14710 Tanner Trail. The original intention for these determinations was to create eight wells in total to accommodate eight proposed lots. The currently appl0.105 acied intent of this project is to create a total of four lots with one well per lot. There is currently one operating well located within the east 1/3 of the existing parcel which is located inside proposed Lot 4 (Colorado Division of Water Resources Well Permit No. 86101-F).

### AMOUNTS DETERMINED AND AVAILABILE

There are four aquifers identified that exist beneath the subject property. The Dawson Aquifer is the aquifer mainly used for withdrawal in this determination and which is designated **Not-NonTributary (NNT)**. Not-nontributary meaning groundwater located within those portions of the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers that are outside the boundaries of any designated groundwater basin in existence on January 1, 1985, the withdrawal of which will, within one hundred years, deplete the flow of a natural stream, including natural streams as defined in statute, at an annual rate of greater than one-tenth of one percent of the annual rate of withdrawal. The Denver, Arapahoe, and Laramie-Fox Aquifers are designated **NonTributary (NT)**. Nontributary meaning groundwater, located outside the boundaries of any designated groundwater basins in existence on January 1, 1985, the withdrawal of which will not, within one hundred years of continuous withdrawal, deplete the flow of a natural stream, including the natural streams defined in statute, at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal. These NT aquifers are used for replacement for over-pumping of NNTs or for other purposes defined by a water decree or groundwater determination. The referenced groundwater determinations set forth withdrawal amounts based on a 100-year aquifer life which is converted to meet El Paso County's required demonstration of adequate water supply for a 300 year term. The following

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

annual amounts are determined and based on annual withdrawals over a 300 year period (one acre-foot is 325,851 gallons). The authorized uses for water supply are single family residential household use, irrigation (indoor and outdoor, agricultural, livestock, commercial, industrial, fish and wildlife and replacement.

Water Rights by Determination of Right to an Allocation of Designated Groundwater  
(4229-BD, 4230-BD, 4231-BD, 4232-BD)

Aquifer	Annual Amount-300 years (Acre-Feet)	Total (Acre-Feet)
Dawson (NNT)	9.67	2900
Denver (NT)	7.73	2320
Arapahoe (NT)	4.8	1440
Laramie-Fox Hills (NT)	4.13	1240

Water Available by Provisions of Replacement Plan to Allow withdrawal of Groundwater  
(4232-RP)

Aquifer	Annual Amount-300 years (Acre-Feet)	Total (Acre-Feet)
Dawson (NNT) allowed 8 wells at 0.485 ac- feet/yr maximum each	3.88	1164
Dawson (NNT) Case of 4 wells at 0.485 ac- feet/yr each	1.94	582

The water determinations were tailored to accommodate eight wells connected to the respective aquifers. Each of the eight wells would be allowed to withdraw 0.485 acre-ft per year for a collective annual withdrawal of 3.88 acre-feet (1,264,301 gallons). The total amount is adjusted below for operation of only four wells according to the maximum specified withdrawal of 0.485 acre-ft per year per well.

Annual withdrawals of the currently constructed well from the Dawson aquifer (NNT) shall not exceed 0.485 acre feet per well pursuant to Colorado Division of Water Resources Well Permit No. 86101-F. The annual withdrawals from three proposed wells connected to the Dawson aquifer (NNT) shall not exceed 0.485 acre feet each. Collectively, the existing and new wells shall not exceed 1.94 acre-feet per year. The State or Division Engineer shall curtail the pumping of more than those amounts from the Dawson aquifer. Replacement of pumped groundwater shall be through the one existing septic system and the three proposed septic systems.

WATER SUPPLY DEMANDS

The four proposed residential lots will be served by individual not non-tributary Dawson aquifer wells to be permitted and to operate pursuant to an approved replacement plan. This plan allows the existing Dawson aquifer well to withdraw 0.97 acre-foot per year, and the two proposed Dawson aquifer wells to withdraw 0.97 acre-foot per year each for 300 years for the following uses:

Currently constructed Well (Lot 4) and To be constructed Wells No. 1, 2, & 3 (Lots 1, 2, & 3)

In-house use:	0.26 acre-feet per year per lot (Total = 1.04 acre-feet/yr)
Irrigation use: of	0.105 acre-feet per year per lot limited for irrigation of 1,800 sf lawn or garden (Total = 0.42 acre-feet/yr)
Stock-watering use:	0.12 acre-feet per year limited to watering 2 horses or equivalent livestock (Total = 0.48 acre-feet/yr)
Total Usage for four lots:	Total = 1.94 acre-ft/yr

Total amount for subdivision over 300 years =  $300 \times 1.94 = 582$  acre-feet

Total decreed Dawson aquifer water = 2,900 acre-feet

The water supply for the residential lots using four (4) Dawson aquifer wells pursuant to the approved Replacement Plan is sufficient and satisfies the 300 year supply requirement of El Paso County.

REPLACEMENT

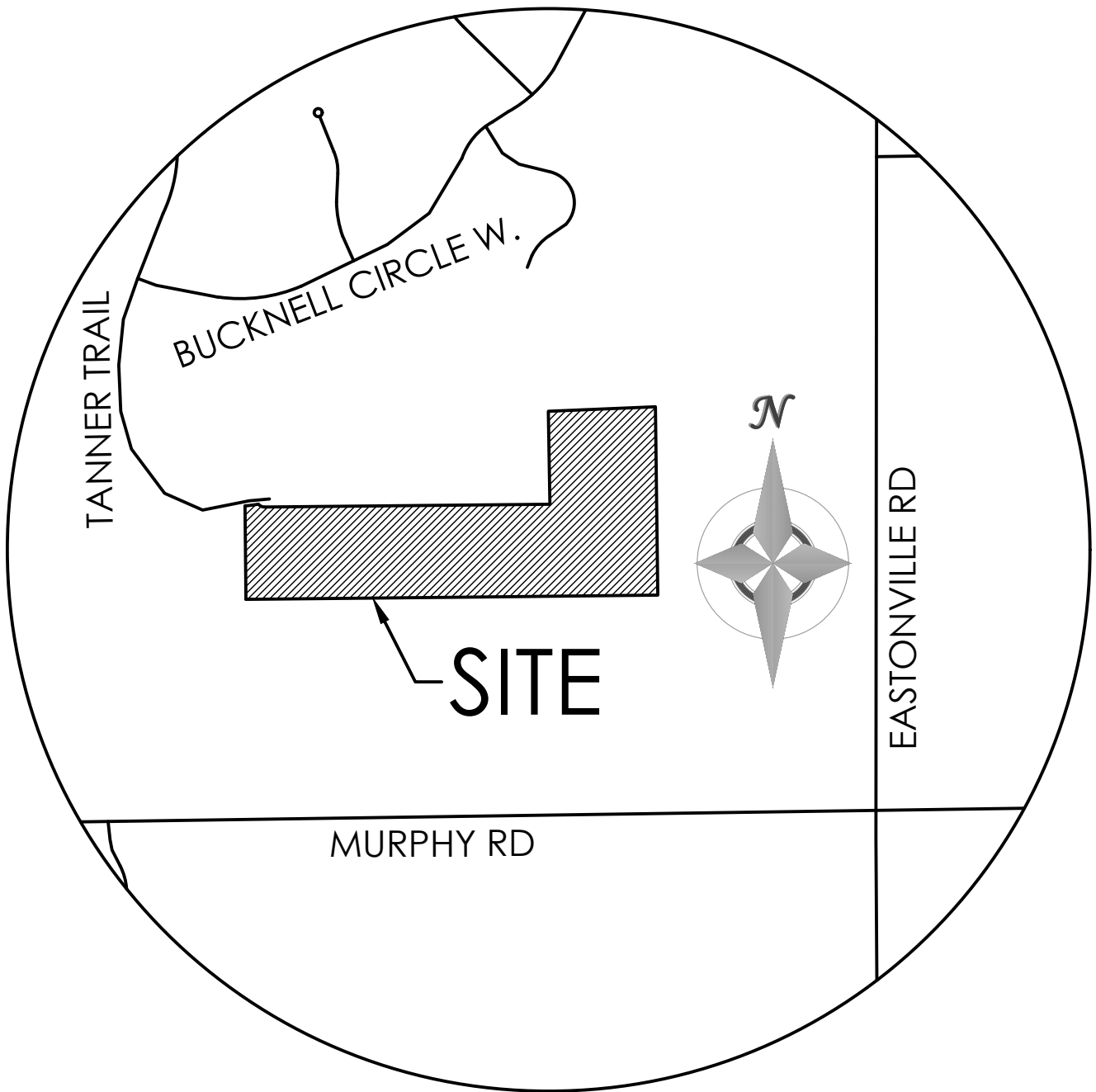
The Plan for replacement is established in a Replacement Plan under Determination No. 4232-BD. Use of the one existing well, and any additional or replacement wells drilled to the Dawson Aquifer, requires replacement of actual stream depletion. Depletion caused by pumping water from the Dawson aquifer shall be replaced as provided and determined. Each lot will utilize a maximum of 0.485 annual acre-feet per year for a maximum total of 1.94 annual acre-feet per year collectively for all four proposed lots. The replacement obligation for the existing and proposed wells are septic return flows from indoor uses which is estimated to be 0.936 acre-ft per year for all four lots. The Replacement Plan provided by the referenced document prescribes a pumping period of a minimum of 300 years, as required to meet El Paso County's 300-year water requirement for approval of subdivisions utilizing non-renewable water resources for their source of water supply. Covenants for this subdivision will reinforce the findings and responsibilities and requirements of referenced water court determination.

WATER QUALITY

M.V.E., inc. has examined water quality testing results for the existing well (Permit No. 86101-F) located in the east 1/3 of the site and adjacent west of the existing buildings. The water samples were drawn from the water well fixtures connected to the State of Colorado permitted well of the Dawson Aquifer at 14710 Tanner Trail. The samples were taken on March 30<sup>th</sup>, 2023. Testing for the required contaminants was performed by Colorado Analytical Laboratory and Hazen Research, Inc. The examined reports contain

tests for each of the required contaminants in accordance with the El Paso County Land Development Code. The Dawson Aquifer is a confined aquifer. M.V.E. Inc. compared the test results to the Maximum Contaminant Level (MCL), radiological, and pH level requirements for each substance. The water sample passed all requirements according to El Paso County standards contained in the Land Development Code. The water quality results are attached to this report in the appendix.

## | Attachments



# VICINITY MAP

NOT TO SCALE

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

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DETERMINATION NO.: 4229-BD

AQUIFER: Laramie-Fox Hills

APPLICANT: Garrett and Bethany Graupner

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Garrett and Bethany Graupner (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Laramie-Fox Hills Aquifer.

**FINDINGS**

1. The application was received by the Commission on June 14, 2021.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Laramie-Fox Hills aquifer (Aquifer) underlying 41.37 acres, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated May 6, 2021, attached hereto as Exhibit A, the Applicant owns the 41.37 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 41.37 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 41.37 acres of Overlying Land claimed by the Applicant is 1,240 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 15 percent.

- b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 200 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 1,240 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 1,240 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 12.4 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.



12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On August 2, 2021, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. No written recommendations from the District were received.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on August 5, 2021 and August 12, 2021. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Laramie-Fox Hills Aquifer underlying 41.37 acres of land, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 41.37 acres of Overlying Land allocated herein is 1,240 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
  - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 1,240 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water

permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.

- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The place of use of the Underlying Groundwater shall be limited to the above described 41.37 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
- g. The wells must be located on the above described 41.37 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer.
- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
- k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual

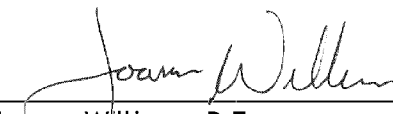
diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.

- l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 41.37 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 28th day of September, 2021.



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

By:   
Joanna Williams, P.E.  
Water Resource Engineer

Form no. **DIVISION OF WATER RESOURCES**  
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
(1/2020) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

**NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT**

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.  
1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR  
2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.  
NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form.  
Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant Garrett and Bethany Graupner			
Mailing Address 14710 Tanner Trail	City Elbert	State Colorado	Zip Code 80106
Telephone Number (include area code) 208-304-2626		Email garrett@ferventchurch.co	
<b>2. AQUIFER</b> Laramie-Fox Hills			
<b>3. CLAIM OF OWNERSHIP –</b> I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located.  Number of acres: <u>41.37 acres</u> in the county of: <u>El Paso</u> described as follows (insert legal description).  <u>See attached deed</u>  _____  _____  _____  _____  _____  _____  - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE –</b> a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE –</b> 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: <u>5/6/21</u>  Print name and title: Garrett Graupner and Bethany Graupner			

**WARRANTY DEED**

State Doc Fee: \$57.50  
Recording Fee: \$13.00

THIS DEED is dated the 26th day of October, 2020, and is made between

GLEN F. TABOR and BERNADINE A. TABOR  
(whether one, or more than one), the "Grantor" of the County of EL PASO and State of COLORADO and

GARRETT GRAUPNER and BETHANY GRAUPNER

the "Grantees", whose legal address is 14710 TANNER TRAIL, ELBERT, CO 80106 of the County of EL PASO and State of COLORADO

WITNESS, that the Grantor, for and in consideration of the sum of ( \$575,000.00 ) Five Hundred Seventy Five Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with any improvements thereon, located in the County of El Paso and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: 14710 TANNER TRAIL, ELBERT, CO 80106

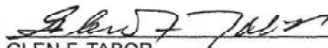
**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

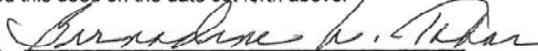
**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantees, and the Grantees' heirs and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a)

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.


  
GLEN F. TABOR

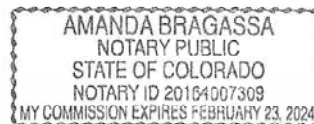
  
BERNADINE A. TABOR

State of Colorado  
County of El Paso

The foregoing instrument was acknowledged before me this 26th day of October, 2020 by GLEN F. TABOR and BERNADINE A. TABOR.

Witness my hand and official seal.

  
Notary Public: Amanda Bragassa  
My commission expires: 2/23/2024



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32 AND IS THE MOST SOUTHEASTERLY CORNER OF WOODLAKE FILING NO. 3 AS RECORDED IN PLAT BOOK G-3 AT PAGE 60 OF THE RECORDS OF EL PASO COUNTY, COLORADO;  
THENCE FOLLOWING ALONG THE EAST BOUNDARY OF SAID FILING NO. 3 FOR ONE COURSE;  
(1) THENCE NORTH 00 DEGREES 33 MINUTES 14 SECONDS WEST, 569.89 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF TANNER TRAIL;  
THENCE EASTERLY FOLLOWING ALONG SAID RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES;  
(1) THENCE ANGLE RIGHT 79 DEGREES 47 MINUTES 36 SECONDS TO THE TANGENT OF A CURVE TO THE RIGHT, WHOSE RADIUS IS 670.00 FEET, THROUGH A CENTRAL ANGLE OF 06 DEGREES 57 MINUTES 50 SECONDS, AN ARC LENGTH OF 81.43 FEET TO A POINT OF CURVATURE;  
(2) THENCE ANGLE RIGHT 60 DEGREES 05 MINUTES 38 SECONDS TO THE TANGENT OF A CURVE TO THE LEFT WHOSE RADIUS IS 50.00 FEET, THROUGH A CENTRAL ANGLE OF 49 DEGREES 53 MINUTES 14 SECONDS, AN ARC LENGTH OF 43.53 FEET;  
THENCE NORTH 89 DEGREES 26 MINUTES 46 SECONDS EAST 1739.61 FEET;  
THENCE NORTH 00 DEGREES 59 MINUTES 53 SECONDS WEST, 567.20 FEET;  
THENCE NORTH 87 DEGREES 37 MINUTES 00 SECONDS EAST, 653.67 FEET;  
THENCE SOUTH 00 DEGREES 44 MINUTES 06 SECONDS EAST, 1148.01 FEET TO INTERSECT THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32;  
THENCE FOLLOWING ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 22 MINUTES 15 SECONDS WEST, 1279.05 FEET;  
THENCE ALONG THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER, SOUTH 89 DEGREES 26 MINUTES 46 SECONDS WEST, 1232.19 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

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DETERMINATION NO.: 4230-BD

AQUIFER: Arapahoe

APPLICANT: Garrett and Bethany Graupner

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Garrett and Bethany Graupner (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Arapahoe Aquifer.

**FINDINGS**

1. The application was received by the Commission on June 14, 2021.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Arapahoe aquifer (Aquifer) underlying 41.37 acres, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated May 6, 2021, attached hereto as Exhibit A, the Applicant owns the 41.37 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 41.37 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 41.37 acres of Overlying Land claimed by the Applicant is 1,440 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.

- b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 205 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 1,440 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 1,440 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 14.4 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.



12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On August 2, 2021, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. No written recommendations from the District were received.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on August 5, 2021 and August 12, 2021. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Arapahoe Aquifer underlying 41.37 acres of land, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 41.37 acres of Overlying Land allocated herein is 1,440 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
  - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 1,440 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water

permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.

- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The place of use of the Underlying Groundwater shall be limited to the above described 41.37 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
- g. The wells must be located on the above described 41.37 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.
- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
- k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and

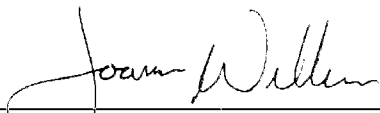
submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.

- l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 41.37 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 28th day of September, 2021.



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

By:   
Joanna Williams, P.E.  
Water Resource Engineer

Prepared by: jmw  
F&O4230-BD.doc

Form no. **DIVISION OF WATER RESOURCES**  
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
(1/2020) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

**NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT**

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.  
1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR  
2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.  
NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form.  
Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant Garrett and Bethany Graupner			
Mailing Address 14710 Tanner Trail	City Elbert	State Colorado	Zip Code 80106
Telephone Number (include area code) 208-304-2626		Email garrett@ferventchurch.co	
<b>2. AQUIFER</b> Arapahoe			
<b>3. CLAIM OF OWNERSHIP</b> – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located.  Number of acres: <u>41.37 acres</u> in the county of: <u>El Paso</u> described as follows (insert legal description).  <u>See attached deed</u>  _____  _____  _____  _____  _____  - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE</b> – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE</b> – 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: <u>5/6/21</u>	
Print name and title: Garrett Graupner and Bethany Graupner			

**WARRANTY DEED**

State Doc Fee: \$57.50  
Recording Fee: \$13.00

THIS DEED is dated the 26th day of October, 2020, and is made between

GLEN F. TABOR and BERNADINE A. TABOR  
(whether one, or more than one), the "Grantor" of the County of EL PASO and State of COLORADO and

GARRETT GRAUPNER and BETHANY GRAUPNER

the "Grantees", whose legal address is 14710 TANNER TRAIL, ELBERT, CO 80106 of the County of EL PASO and State of COLORADO

WITNESS, that the Grantor, for and in consideration of the sum of ( \$575,000.00 ) Five Hundred Seventy Five Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with any improvements thereon, located in the County of El Paso and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: 14710 TANNER TRAIL, ELBERT, CO 80106

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, 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 Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantees, and the Grantees' heirs and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a)

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

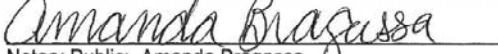
  
GLEN F. TABOR

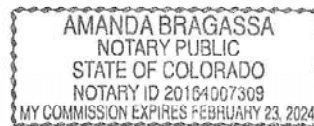
  
BERNADINE A. TABOR

State of Colorado  
County of El Paso

The foregoing instrument was acknowledged before me this 26th day of October, 2020 by GLEN F. TABOR and BERNADINE A. TABOR.

Witness my hand and official seal.

  
Notary Public: Amanda Bragassa  
My commission expires: 2/23/2024



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32 AND IS THE MOST SOUTHEASTERLY CORNER OF WOODLAKE FILING NO. 3 AS RECORDED IN PLAT BOOK G-3 AT PAGE 60 OF THE RECORDS OF EL PASO COUNTY, COLORADO;  
THENCE FOLLOWING ALONG THE EAST BOUNDARY OF SAID FILING NO. 3 FOR ONE COURSE;  
(1) THENCE NORTH 00 DEGREES 33 MINUTES 14 SECONDS WEST, 569.89 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF TANNER TRAIL;  
THENCE EASTERLY FOLLOWING ALONG SAID RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES;  
(1) THENCE ANGLE RIGHT 79 DEGREES 47 MINUTES 36 SECONDS TO THE TANGENT OF A CURVE TO THE RIGHT, WHOSE RADIUS IS 670.00 FEET, THROUGH A CENTRAL ANGLE OF 06 DEGREES 57 MINUTES 50 SECONDS, AN ARC LENGTH OF 81.43 FEET TO A POINT OF CURVATURE;  
(2) THENCE ANGLE RIGHT 60 DEGREES 05 MINUTES 38 SECONDS TO THE TANGENT OF A CURVE TO THE LEFT WHOSE RADIUS IS 50.00 FEET, THROUGH A CENTRAL ANGLE OF 49 DEGREES 53 MINUTES 14 SECONDS, AN ARC LENGTH OF 43.53 FEET;  
THENCE NORTH 89 DEGREES 26 MINUTES 46 SECONDS EAST 1739.61 FEET;  
THENCE NORTH 00 DEGREES 59 MINUTES 53 SECONDS WEST, 567.20 FEET;  
THENCE NORTH 87 DEGREES 37 MINUTES 00 SECONDS EAST, 653.67 FEET;  
THENCE SOUTH 00 DEGREES 44 MINUTES 06 SECONDS EAST, 1148.01 FEET TO INTERSECT THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32;  
THENCE FOLLOWING ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 22 MINUTES 15 SECONDS WEST, 1279.05 FEET;  
THENCE ALONG THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER, SOUTH 89 DEGREES 26 MINUTES 46 SECONDS WEST, 1232.19 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

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DETERMINATION NO.: 4231-BD

AQUIFER: Denver

APPLICANT: Garrett and Bethany Graupner

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Garrett and Bethany Graupner (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Denver Aquifer.

**FINDINGS**

1. The application was received by the Commission on June 14, 2021.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Denver aquifer (Aquifer) underlying 41.37 acres, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated May 6, 2021, attached hereto as Exhibit A, the Applicant owns the 41.37 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 41.37 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 41.37 acres of Overlying Land claimed by the Applicant is 2,320 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.

- b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 330 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 2,320 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 2,320 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 23.2 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.



12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On August 2, 2021, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. No written recommendations from the District were received.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on August 5, 2021 and August 12, 2021. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Denver Aquifer underlying 41.37 acres of land, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 41.37 acres of Overlying Land allocated herein is 2,320 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
  - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 2,320 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water

permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.

- b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
- c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
- d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
- e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The place of use of the Underlying Groundwater shall be limited to the above described 41.37 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
- g. The wells must be located on the above described 41.37 acres of Overlying Land.
- h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
- i. The wells must be constructed to withdraw water from only the Denver Aquifer.
- j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
- k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and

submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.

- l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 41.37 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 28th day of September, 2021.



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

By: \_\_\_\_\_


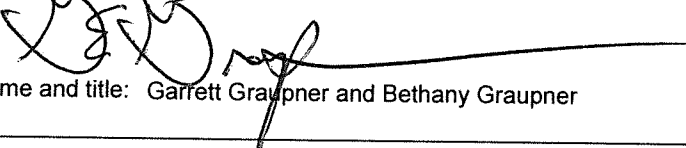


Joanna Williams, P.E.  
Water Resource Engineer

Form no. **DIVISION OF WATER RESOURCES**  
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
(1/2020) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

### NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.  
1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR  
2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.  
NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form.  
Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant Garrett and Bethany Graupner			
Mailing Address 14710 Tanner Trail	City Elbert	State Colorado	Zip Code 80106
Telephone Number (include area code) 208-304-2626	Email garrett@ferventchurch.co		
<b>2. AQUIFER</b> Denver			
<b>3. CLAIM OF OWNERSHIP</b> – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located.  Number of acres: <u>41.37 acres</u> in the county of: <u>El Paso</u> described as follows (insert legal description).  <u>See attached deed</u>  _____  _____  _____  _____  - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE</b> – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE</b> – 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: <u>5/6/21</u>  Print name and title: Garrett Graupner and Bethany Graupner			

**WARRANTY DEED**

State Doc Fee: \$57.50  
Recording Fee: \$13.00

THIS DEED is dated the 26th day of October, 2020, and is made between

GLEN F. TABOR and BERNADINE A. TABOR  
(whether one, or more than one), the "Grantor" of the County of EL PASO and State of COLORADO and

GARRETT GRAUPNER and BETHANY GRAUPNER  
the "Grantees", whose legal address is 14710 TANNER TRAIL,  
ELBERT, CO 80106 of the County of EL PASO and State of COLORADO

WITNESS, that the Grantor, for and in consideration of the sum of ( \$575,000.00 ) Five Hundred Seventy Five Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with any improvements thereon, located in the County of El Paso and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO  
also known by street and number as: 14710 TANNER TRAIL, ELBERT, CO 80106

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, 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 Grantees, and the Grantees' heirs and assigns forever.  
The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantees, and the Grantees' heirs and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a)

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

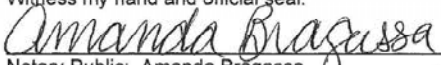
  
GLEN F. TABOR

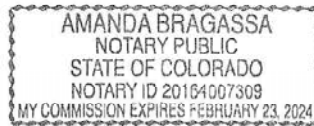
  
BERNADINE A. TABOR

State of Colorado  
County of El Paso

The foregoing instrument was acknowledged before me this 26th day of October, 2020 by GLEN F. TABOR and BERNADINE A. TABOR.

Witness my hand and official seal.

  
Notary Public: Amanda Bragassa  
My commission expires: 2/23/2024



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32 AND IS THE MOST SOUTHEASTERLY CORNER OF WOODLAKE FILING NO. 3 AS RECORDED IN PLAT BOOK G-3 AT PAGE 60 OF THE RECORDS OF EL PASO COUNTY, COLORADO;  
THENCE FOLLOWING ALONG THE EAST BOUNDARY OF SAID FILING NO. 3 FOR ONE COURSE;  
(1) THENCE NORTH 00 DEGREES 33 MINUTES 14 SECONDS WEST, 569.89 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF TANNER TRAIL;  
THENCE EASTERLY FOLLOWING ALONG SAID RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES;  
(1) THENCE ANGLE RIGHT 79 DEGREES 47 MINUTES 36 SECONDS TO THE TANGENT OF A CURVE TO THE RIGHT, WHOSE RADIUS IS 670.00 FEET, THROUGH A CENTRAL ANGLE OF 06 DEGREES 57 MINUTES 50 SECONDS, AN ARC LENGTH OF 81.43 FEET TO A POINT OF CURVATURE;  
(2) THENCE ANGLE RIGHT 60 DEGREES 05 MINUTES 38 SECONDS TO THE TANGENT OF A CURVE TO THE LEFT WHOSE RADIUS IS 50.00 FEET, THROUGH A CENTRAL ANGLE OF 49 DEGREES 53 MINUTES 14 SECONDS, AN ARC LENGTH OF 43.53 FEET;  
THENCE NORTH 89 DEGREES 26 MINUTES 46 SECONDS EAST 1739.61 FEET;  
THENCE NORTH 00 DEGREES 59 MINUTES 53 SECONDS WEST, 567.20 FEET;  
THENCE NORTH 87 DEGREES 37 MINUTES 00 SECONDS EAST, 653.67 FEET;  
THENCE SOUTH 00 DEGREES 44 MINUTES 06 SECONDS EAST, 1148.01 FEET TO INTERSECT THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32;  
THENCE FOLLOWING ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 22 MINUTES 15 SECONDS WEST, 1279.05 FEET;  
THENCE ALONG THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER, SOUTH 89 DEGREES 26 MINUTES 46 SECONDS WEST, 1232.19 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

---

DETERMINATION NO.: 4232-BD

AQUIFER: Dawson

APPLICANT: Garrett and Bethany Graupner

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In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Garrett and Bethany Graupner (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Dawson Aquifer.

**FINDINGS**

1. The application was received by the Commission on June 14, 2021.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Dawson aquifer (Aquifer) underlying 41.37 acres, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated May 6, 2021, attached hereto as Exhibit A, the Applicant owns the 41.37 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 41.37 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.
7. The amount of water in storage in the Aquifer underlying the 41.37 acres of Overlying Land claimed by the Applicant is 2,940 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
  - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 20 percent.

- b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 355 feet.
8. A review of the records in the Office of the State Engineer has disclosed that a well operating pursuant to section 37-90-105, C.R.S., (i.e. a small-capacity well), permit no. 121373, is located on the Overlying Land and is permitted to withdraw 1 acre-foot per year of groundwater from the Aquifer from beneath the Overlying Land. The applicant has indicated that permit no. 121373 will be cancelled and the well re-permitted to operate pursuant to this Determination. The amount of water considered to have been historically withdrawn from the aquifer by this well is 40 acre-feet. In applying Rule 5.3.2.5 of the Designated Basin Rules to computing the amount of water available for allocation in this Determination, the amount of groundwater in the Aquifer underlying the Overlying Land available for allocation in this Determination is reduced by 40 acre-feet to 2,900 acre-feet. Except for that well, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the Aquifer underlying the Overlying Land.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
  - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 2,900 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 29 acre-feet per year.
  - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).
  - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or an alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and,



therefore, the groundwater in the Aquifer underlying the Overlying Land is considered to be not-nontributary groundwater as defined in Rule 4.2.23 of the Designated Basin Rules. Withdrawal of water from the Aquifer underlying the Overlying Land would impact the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators, is required prior to approval of well permits for wells to be located on this land area to withdraw the groundwater in the Aquifer underlying the Overlying Land. Pursuant to the Rules the replacement plan shall provide for the depletion of the 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, assuming water table conditions in the Aquifer.

12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On August 2, 2021, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. No written recommendations from the District were received.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on August 5, 2021 and August 12, 2021. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Dawson Aquifer underlying 41.37 acres of land, generally described as a portion of the N1/2 of the S1/2, Section 32, Township 11 South, Range 64 West, 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 41.37 acres of Overlying Land allocated herein is 2,900 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information

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

18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
  - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume of 2,900 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
  - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
  - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
  - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
  - e. Commission approval of a replacement plan, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators in the alluvial aquifer, is required prior to approval of well permits that allow the withdraw of the Underlying Groundwater. The replacement plan shall provide for the depletion of the 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, assuming water table conditions in the Aquifer.
  - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: Domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. The place of use of the Underlying Groundwater shall be limited to the above described 41.37 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying

Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.

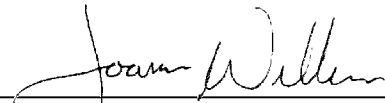
- g. The wells must be located on the above described 41.37 acres of Overlying Land.
  - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - i. The wells must be constructed to withdraw water from only the Dawson Aquifer.
  - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
  - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. Existing well permit no. 121373 must be canceled and a new permit issued for that well to operate pursuant to this Determination.
21. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 41.37 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
22. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Determination No.: 4232-BD  
Aquifer: Dawson  
Applicant: Garrett and Bethany Graupner

Dated this 28th day of September, 2021.



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

By:   
Joanna Williams, P.E.  
Water Resource Engineer

Prepared by: jmw  
F&O4232-BD.doc

Form no. **DIVISION OF WATER RESOURCES**  
 GWS-1 **DEPARTMENT OF NATURAL RESOURCES**  
 (1/2020) **1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.colorado.gov/water](http://www.colorado.gov/water), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

**NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT**

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.

- 1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR
- 2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.

NOTE: Form submittal instructions can be found on our website [Colorado.gov/water](http://Colorado.gov/water). See instructions on the reverse of this form. Type or print in black or blue ink.

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant Garrett and Bethany Graupner			
Mailing Address 14710 Tanner Trail	City Elbert	State Colorado	Zip Code 80106
Telephone Number (include area code) 208-304-2626		Email garrett@ferventchurch.co	
<b>2. AQUIFER</b> Dawson			
<b>3. CLAIM OF OWNERSHIP –</b> I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located.			
Number of acres: <u>41.37 acres</u> in the county of: <u>El Paso</u>			
described as follows (insert legal description).			
<u>See attached deed</u>			
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- I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
<b>4. THE APPLICANT MUST PROVIDE –</b> a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
<b>5. SIGNATURE –</b> 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: <u>5/6/21</u>	
Print name and title: <u>Garrett Graupner and Bethany Graupner</u>			

**WARRANTY DEED**

State Doc Fee: \$57.50  
Recording Fee: \$13.00

THIS DEED is dated the 26th day of October, 2020, and is made between

GLEN F. TABOR and BERNADINE A. TABOR  
(whether one, or more than one), the "Grantor" of the County of EL PASO and State of COLORADO and

GARRETT GRAUPNER and BETHANY GRAUPNER

the "Grantees", whose legal address is 14710 TANNER TRAIL, ELBERT, CO 80106 of the County of EL PASO and State of COLORADO

WITNESS, that the Grantor, for and in consideration of the sum of ( \$575,000.00 ) Five Hundred Seventy Five Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with any improvements thereon, located in the County of El Paso and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: 14710 TANNER TRAIL, ELBERT, CO 80106

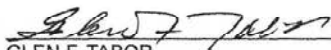
**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

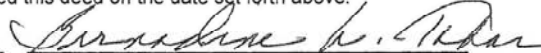
**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantees, and the Grantees' heirs and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a)

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.


  
GLEN F. TABOR

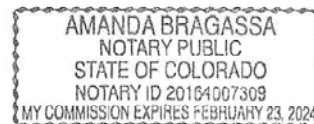
  
BERNADINE A. TABOR

State of Colorado  
County of El Paso

The foregoing instrument was acknowledged before me this 26th day of October, 2020 by GLEN F. TABOR and BERNADINE A. TABOR.

Witness my hand and official seal.

  
Notary Public: Amanda Bragassa  
My commission expires: 2/23/2024



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32 AND IS THE MOST SOUTHEASTERLY CORNER OF WOODLAKE FILING NO. 3 AS RECORDED IN PLAT BOOK G-3 AT PAGE 60 OF THE RECORDS OF EL PASO COUNTY, COLORADO;  
THENCE FOLLOWING ALONG THE EAST BOUNDARY OF SAID FILING NO. 3 FOR ONE COURSE;  
(1) THENCE NORTH 00 DEGREES 33 MINUTES 14 SECONDS WEST, 569.89 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF TANNER TRAIL;  
THENCE EASTERLY FOLLOWING ALONG SAID RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES;  
(1) THENCE ANGLE RIGHT 79 DEGREES 47 MINUTES 36 SECONDS TO THE TANGENT OF A CURVE TO THE RIGHT, WHOSE RADIUS IS 670.00 FEET, THROUGH A CENTRAL ANGLE OF 06 DEGREES 57 MINUTES 50 SECONDS, AN ARC LENGTH OF 81.43 FEET TO A POINT OF CURVATURE;  
(2) THENCE ANGLE RIGHT 60 DEGREES 05 MINUTES 38 SECONDS TO THE TANGENT OF A CURVE TO THE LEFT WHOSE RADIUS IS 50.00 FEET, THROUGH A CENTRAL ANGLE OF 49 DEGREES 53 MINUTES 14 SECONDS, AN ARC LENGTH OF 43.53 FEET;  
THENCE NORTH 89 DEGREES 26 MINUTES 46 SECONDS EAST 1739.61 FEET;  
THENCE NORTH 00 DEGREES 59 MINUTES 53 SECONDS WEST, 567.20 FEET;  
THENCE NORTH 87 DEGREES 37 MINUTES 00 SECONDS EAST, 653.67 FEET;  
THENCE SOUTH 00 DEGREES 44 MINUTES 06 SECONDS EAST, 1148.01 FEET TO INTERSECT THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32;  
THENCE FOLLOWING ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 22 MINUTES 15 SECONDS WEST, 1279.05 FEET;  
THENCE ALONG THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER, SOUTH 89 DEGREES 26 MINUTES 46 SECONDS WEST, 1232.19 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR REPLACEMENT PLAN TO ALLOW THE WITHDRAWAL OF GROUNDWATER FROM THE DAWSON AQUIFER IN THE UPPER BLACK SQUIRREL CREEK DESIGNATED GROUNDWATER BASIN.

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REPLACEMENT PLAN NO. 4232-RP

FOR DETERMINATION OF WATER RIGHT NO. 4232-BD

AQUIFER: DAWSON

APPLICANT: GARRETT AND BETHANY GRAUPNER

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In compliance with section 37-90-107.5, C.R.S. and the Designated Basin Rules, 2 CCR 410-1 (Rules or Rule), Garrett and Bethany Graupner (Applicant) submitted an application for a replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer that has been allocated by Determination of Water Right No. 4232-BD.

**FINDINGS**

1. Pursuant to section 37-90-107(7), C.R.S., in a Findings and Order dated September 28, 2021, the Ground Water Commission (Commission) approved a Determination of a Right to an Allocation of Groundwater, No. 4232-BD, from the Dawson Aquifer (Aquifer), summarized as follows.
  - a. The determination quantified an amount of water from beneath 41.37 acres of overlying land generally described as a portion of the N1/2 of the S1/2 of Section 32, Township 11 South, Range 64 West, 6th P.M., in El Paso County (Overlying Land).
  - b. The amount of water in the aquifer that was allocated was 2,900 acre-feet, and the allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 29 acre-feet per year (subject to adjustment by the Commission to conform to actual local aquifer characteristics).
  - c. The use of groundwater is limited to the following beneficial uses: domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife.
  - d. Withdrawal of the subject groundwater will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, the groundwater is considered to be not-nontributary, and Commission approval of a replacement plan providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to withdraw the subject groundwater.
2. The subject water is Designated Groundwater located within the boundaries of the Upper Black Squirrel Creek Designated Groundwater Basin and the Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the withdrawal of the water by large capacity wells that are permitted pursuant to section 37-90-107(7).
3. Withdrawal of the subject groundwater would deplete the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, all of which, according to Rules 5.2.4.2, 5.2.7.2 and 5.2.6.2,



- respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing large capacity alluvial rights withdrawing water from those alluvial aquifers.
4. Pursuant to Rule 5.6.1.A this plan must be adequate to prevent any material injury to water rights of other appropriators, which for purposes of this plan means large capacity wells withdrawing water from the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin.
  5. Pursuant to Rule 5.3.6.2(C) 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.
  6. The application for the replacement plan was received by the Commission on June 14, 2021.
  7. The Applicant proposes to divert 3.88 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through 8 wells to be located on 8 residential lots. Each Dawson Aquifer well is proposed to divert 0.485 acre-feet of water annually for use in 1 single family residence, irrigation (indoor and outdoor), agricultural, livestock, commercial, industrial, fish and wildlife and replacement. The land on which the wells will be located is the Overlying Land described above.
  8. At a continuous withdrawal of 3.88 acre-feet annually for 300 years, depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Groundwater Basin, Upper Big Sandy Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Basin would steadily increase to 0.13 acre-feet per year in the 300th year, which is equal to 3.34% of pumping, as shown in Exhibit A.
  9. The Applicant proposes to provide 1.8 acre-feet per year of replacement water to the alluvial aquifer system of the Upper Black Squirrel Creek Designated Groundwater Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the groundwater to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. Assuming each lot uses a total annual amount for in-house use of 0.25 acre-feet the return flow per lot would be 0.225 acre-feet annually, and the return flows under the plan will total 1.8 acre-feet per year for all 8 lots at full build out.
  10. The subject property is located within the drainage of Black Squirrel Creek, and the return flows will flow to the alluvial aquifer of the Black Squirrel Creek Designated Groundwater Basin. The Applicant proposes to aggregate all replacements to the drainage in which the well or wells will operate, in accordance with Guideline 2007-1.
  11. Pursuant to Rule 5.6.1.B this plan must be adequate to prevent unreasonable impairment of water quality. Pursuant to Rule 5.6.1.B.1.b, if the replacement source water is from an onsite wastewater treatment system permitted by a local health agency and the applicant demonstrates the source is in compliance with that permit there shall be a rebuttable presumption of no unreasonable impairment of water quality.
  12. Pursuant to Rule 5.6.1.C this plan, including the proposed uses of the water withdrawn pursuant to the plan, must not be speculative, and must be technically and financially feasible and within the Applicant's ability to complete. The plan, including the proposed

uses of the water withdrawn pursuant to the plan, is not speculative. The plan appears technically and financially feasible and within the Applicant's ability to complete.

13. Pursuant to Rule 5.6.1.D this plan must be able to be operated and administered on an ongoing and reliable basis. The plan appears to be able to be operated and administered on an ongoing and reliable basis.
14. Pursuant to Rule 5.6.1.F replacement source water must be physically and legally available in time, place and amount to prevent material injury. As determined in Determination of Water Right No. 4232-BD water is currently available in the amounts and for the number of years proposed to be diverted.
15. Pursuant to Rule 5.6.1.G the replacement source water must be legally available for use. Records in this office indicate that the Applicant controls the water right to be used as the source of replacement water, consisting of Determination of Water Right No. 4232-BD, and such water is legally available for use pursuant to this plan.
16. In accordance with Rule 5.6.4 the application was referred to the Upper Black Squirrel Creek Ground Water Management District on August 2, 2021. No comments were received from the District.
17. In accordance with sections 37-90-107.5 and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on August 5, 2021 and August 12, 2021. No objections to the application were received within the time limit set by statute.
18. According to Rule 5.6.1:
  - a. The Applicant has the burden of proving the adequacy of the plan in all respects.
  - b. If the applicant meets its burden of proof, the Commission shall grant approval of the plan which shall include any terms and conditions established the Commission.
19. The Commission Staff has evaluated the application pursuant to section 37-90-107.5, and the requirements of Rule 5.3.6.2(C) and Rule 5.6, finds that the requirements have been meet, and the plan may be approved to allow diversions from the Dawson Aquifer if operated subject to the conditions given below.

#### **ORDER**

In accordance with section 37-90-107.5, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer underlying 41.37 acres that are the subject of Determination of Water Right no. 4232-BD is approved subject to the following conditions:

20. The Dawson aquifer water will be withdrawn through 8 wells to be located on 8 residential lots. The allowed use of groundwater for each well under this plan is use in 1 single family residence, irrigation (indoor and outdoor), agricultural, livestock, commercial, industrial, fish and wildlife and replacement. The land on which the wells will be located is the Overlying Land described above.
21. The allowed annual amount of groundwater to be withdrawn from the Aquifer by all wells operating under this plan shall not exceed 3.88 acre-feet. The allowed annual amount of

water to be withdrawn from each on-lot well shall not exceed 0.485 acre-feet.

22. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
23. Permanent records of all withdrawals of groundwater from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
24. Pumping under this plan is limited to a period of 300 years. The year of first use of this replacement plan shall be the calendar year of construction of a well permitted pursuant to this plan or permitting of an existing well pursuant to the plan.
25. Return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems located within the 41.37 acres of Overlying Land that are the subject of Determination of Water Right No. 4232-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
26. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A. Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5 year increment.
27. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan. The annual replacement requirement and the annual amount of replacement water provided shall be calculated and reported on a form acceptable to the Commission. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.
28. The Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer.
29. To assure adequate return flows, at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any other use is allowed to be served by any of the wells.
30. So long as at least one well continues to pump and supply an occupied dwelling, the plan's required replacement obligations, shown in Exhibit A, will be met. Should all wells cease pumping for in-house use within the first 100 years an amended or alternate replacement plan must be obtained that will replace actual depletions to the alluvial aquifer so as to prevent any material injury to water rights of other appropriators.
31. The Applicant (and their successors) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not be limited to, those items identified below. The Applicant must submit records to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15<sup>th</sup> of the following year.
  - a. Identification of all well permits issued and wells constructed under this plan.

- b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
  - c. The number of occupied dwellings served by each well.
  - f. The return flows occurring from use of all wells operating under the plan, assuming 0.225 acre-feet per year per occupied single family dwelling (90% of the water used for in-house purposes) enters the alluvial aquifer as replacement water.
  - g. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
32. The Applicant (and their successors) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, identification of the well that was sold and evidence that the new owner has been notified of their responsibilities under the replacement plan shall accompany that year's accounting.
33. Any covenants adopted for this subdivision should contain a description of the replacement plan, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be reported and the plan is to be administered.
34. In the event the permitted well or wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting groundwater.
35. All terms and conditions of Determination of Water Right No. 4232-BD must be met.
36. Pursuant to Rule 5.6.1.E, a copy of this Findings and Order shall be recorded by the Applicant in the clerk and recorder's records of El Paso County, so that a title examination of the land on which the structures involved in this plan are located reveals the existence of this plan.

Dated this 28th day of September, 2021.



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

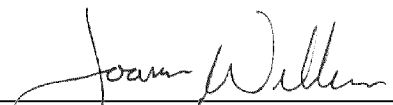
By:   
Joanna Williams, P.E.  
Water Resource Engineer

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

Designated Basin Summary Table for Garrett and Bethany Graupner Pumping Rate of 3.88 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Section 32, Township 11 South, Range 64 West, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
5	3.9	0.000	0.00	155	3.9	0.050	1.30
10	3.9	0.000	0.00	160	3.9	0.053	1.37
15	3.9	0.000	0.01	165	3.9	0.056	1.43
20	3.9	0.001	0.01	170	3.9	0.058	1.50
25	3.9	0.001	0.02	175	3.9	0.061	1.57
30	3.9	0.001	0.04	180	3.9	0.064	1.64
35	3.9	0.002	0.06	185	3.9	0.066	1.71
40	3.9	0.003	0.08	190	3.9	0.069	1.78
45	3.9	0.004	0.10	195	3.9	0.072	1.85
50	3.9	0.005	0.13	200	3.9	0.075	1.92
55	3.9	0.007	0.17	205	3.9	0.077	2.00
60	3.9	0.008	0.20	210	3.9	0.080	2.07
65	3.9	0.010	0.25	215	3.9	0.083	2.14
70	3.9	0.011	0.29	220	3.9	0.086	2.21
75	3.9	0.013	0.33	225	3.9	0.088	2.28
80	3.9	0.015	0.38	230	3.9	0.091	2.35
85	3.9	0.017	0.43	235	3.9	0.094	2.42
90	3.9	0.019	0.49	240	3.9	0.097	2.49
95	3.9	0.021	0.54	245	3.9	0.099	2.56
100	3.9	0.023	0.60	250	3.9	0.102	2.64
105	3.9	0.025	0.66	255	3.9	0.105	2.71
110	3.9	0.028	0.72	260	3.9	0.108	2.78
115	3.9	0.030	0.78	265	3.9	0.111	2.85
120	3.9	0.033	0.84	270	3.9	0.113	2.92
125	3.9	0.035	0.90	275	3.9	0.116	2.99
130	3.9	0.037	0.97	280	3.9	0.119	3.06
135	3.9	0.040	1.03	285	3.9	0.121	3.13
140	3.9	0.043	1.10	290	3.9	0.124	3.20
145	3.9	0.045	1.16	295	3.9	0.127	3.27
150	3.9	0.048	1.23	300	3.9	0.130	3.34

Created by jmw on July 29, 2021

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



**ORIGINAL PERMIT APPLICANT(S)**

BETHANY GRAUPNER  
 GARRETT GRAUPNER

**APPROVED WELL LOCATION**

Water Division: 2      Water District: 10  
 Designated Basin:      UPPER BLACK SQUIRREL CREEK  
 Management District:    UPPER BLACK SQUIRREL  
 County:                    EL PASO  
 Parcel Name:                N/A  
 Physical Address:         N/A  
 NW 1/4 SE 1/4 Section 32 Township 11.0 S Range 64.0 W Sixth P.M.

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

Easting:      536465.0      Northing:      4322025.0

**PERMIT TO USE AN EXISTING WELL**

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

**CONDITIONS OF APPROVAL**

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated September 28, 2021 for Determination of Water Right No. 4232-BD, and Findings and Order of the Colorado Ground Water Commission dated September 28, 2021 for Replacement Plan No. 4232-RP.
- 4) Approved for the change in use of an existing well constructed under permit no. 121373. Permit no. 121373 was cancelled upon issuance of this well permit.
- 5) The pumping rate of this well shall not exceed 50 GPM.
- 6) The allowed average annual amount of groundwater that may be withdrawn by this well under this permit may not exceed 0.485 acre-feet, subject to the conditions of Determination of Water Right no. 4232-BD including but not limited to the allowed maximum annual amount of withdrawal, and the conditions of Replacement Plan No. 4232-RP.
- 7) The total amount of groundwater that may be withdrawn by this well under this permit may not exceed a volume of 145.5 acre-feet, subject to the conditions of Determination of Water Right no. 4232-BD and Replacement Plan No. 4232-RP.
- 8) The use of groundwater from this well is limited to use in one single family residence, irrigation (indoor and outdoor), agricultural, livestock, commercial, industrial, fish and wildlife and replacement. The place of use shall be limited to the 41.37-acre land area claimed in the above described Order of the Commission for Determination of Water Right No. 4232-BD.
- 9) Production from this well is limited to the Dawson aquifer, the base of which is 780 feet below ground surface.
- 10) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 11) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Dawson aquifer.
- 12) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 13) The return flows from the in-house supply component of this well use have been claimed as the replacement source, pursuant to the Findings and Order of the Commission dated September 28, 2021 for Replacement Plan No. 4232-RP. As a result, the return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

**WELL PERMIT NUMBER 86101-F**

**RECEIPT NUMBER 10014136**

14) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.

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

NOTE: This well is located within the Upper Black Squirrel Creek Ground Water Management District where local District Rules apply which may further limit the withdrawal and use of designated ground water as authorized under this permit.



Date Issued: 9/28/2021

Expiration Date: N/A

Issued By JOANNA WILLIAMS

**Analytical Results**

**TASK NO: 230330059**

**Report To:** James Oakden  
**Company:** Monument Valley Engineers - MVE Civil  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Bill To:** James Oakden  
**Company:** Monument Valley Engineers - MVE Ci  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

<b>Task No.:</b> 230330059	<b>Date Received:</b> 3/30/23
<b>Client PO:</b>	<b>Date Reported:</b> 5/8/23
<b>Client Project:</b> None Given	<b>Matrix:</b> Water - Drinking

Lab Number	Customer Sample ID	Sample Date/Time	Test	Result	Method	Date Analyzed
230330059-01C	MVE Samples 1-7	3/30/23 9:38 AM	Total Coliform	<b>Absent</b>	SM 9223	3/31/23
			E-Coli	<b>Absent</b>	SM 9223	3/31/23

**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



## Analytical Results

**TASK NO: 230330059**

**Report To:** James Oakden

**Company:** Monument Valley Engineers - MVE Civil  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Bill To:** James Oakden

**Company:** Monument Valley Engineers - MVE Ci  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Task No.:** 230330059  
**Client PO:**  
**Client Project:** None Given

**Date Received:** 3/30/23  
**Date Reported:** 5/8/23  
**Matrix:** Water - Drinking

**Customer Sample ID** MVE Samples 1-7  
**Sample Date/Time:** 3/30/23 9:38 AM  
**Lab Number:** 230330059-01

Test	Result	Method	RL	Date Analyzed	QC Batch ID	Analyzed By
Bicarbonate	83.1 mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	4/4/23	-	DPL
Calcium as CaCO3	70.1 mg/L	EPA 200.7	0.1 mg/L	4/3/23	-	MAT
Carbonate	ND	SM 2320-B	0.2 mg/L as CaCO3	4/4/23	-	DPL
Hydroxide	ND	SM 2320-B	0.2 mg/L as CaCO3	4/4/23	-	DPL
Langelier Index	-0.95 units	SM 2330-B	units	4/7/23	-	SAN
pH	7.06 units	SM 4500-H-B	0.01 units	3/30/23	-	AKF
Temperature	20 °C	SM 4500-H-B	1 °C	3/30/23	-	AKF
Total Alkalinity	83.1 mg/L as CaCO3	SM 2320-B	4.0 mg/L as CaCO3	4/4/23	QC64001	DPL
Total Dissolved Solids	159 mg/L	SM 2540-C	5 mg/L	4/4/23	QC63981	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.

**Analytical QC Summary**

**TASK NO: 230330059**

**Report To:** James Oakden  
**Company:** Monument Valley Engineers - MVE Civil

**Receive Date:** 3/30/23  
**Project Name:** None Given

Test	QC Batch ID	QC Type	Result	Method		
Total Alkalinity	QC64001	Blank	ND	SM 2320-B		
Total Dissolved Solids	QC63981	Blank	ND	SM 2540-C		

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Total Alkalinity	QC64001	Duplicate	0 - 20	-	0.1	SM 2320-B
		LCS	90 - 110	100.0	-	
		LCS-2	90 - 110	97.6	-	
Total Dissolved Solids	QC63981	Duplicate	0 - 20	-	4.1	SM 2540-C
		LCS	85 - 115	104.2	-	

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  
 mph/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:** James Oakden  
**Company:** Monument Valley Engineers - MVE Civil  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Bill To:** James Oakden  
**Company:** Monument Valley Engineers - MVE Ci  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Task No.:** 230330059  
**Client PO:**  
**Client Project:** None Given

**Date Received:** 3/30/23  
**Date Reported:** 5/8/23  
**Matrix:** Water - Drinking

**Customer Sample ID** MVE Samples 1-7  
**Sample Date/Time:** 3/30/23 9:38 AM  
**Lab Number:** 230330059-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
Nitrate/ Nitrite Nitrogen	ND	Calculation	0.05 mg/L		4/5/23	-	AMJ
Chloride	1.6 mg/L	EPA 300.0	0.1 mg/L		3/31/23	QC64003	AMJ
Fluoride	ND	EPA 300.0	0.10 mg/L	4	3/31/23	QC64004	AMJ
Nitrate Nitrogen	ND	EPA 300.0	0.05 mg/L	10	3/31/23	QC64005	AMJ
Nitrite Nitrogen	ND	EPA 300.0	0.03 mg/L	1	3/31/23	QC64006	AMJ
Sulfate	11.7 mg/L	EPA 300.0	0.1 mg/L		3/31/23	QC64007	AMJ
Cyanide-Total	ND	EPA 335.4	0.005 mg/L	0.02	3/31/23	QC63969	DPL
<b>Total</b>							
Iron	ND	EPA 200.7	0.005 mg/L	0.3	4/3/23	QC63977	MAT
Aluminum	ND	EPA 200.8	0.001 mg/L	0.05	3/31/23	QC63972	MBN
Antimony	ND	EPA 200.8	0.0012 mg/L	0.006	3/31/23	QC63972	MBN
Arsenic	ND	EPA 200.8	0.0006 mg/L	0.01	3/31/23	QC63972	MBN
Barium	0.0964 mg/L	EPA 200.8	0.0007 mg/L	2	3/31/23	QC63972	MBN
Beryllium	ND	EPA 200.8	0.0001 mg/L	0.004	3/31/23	QC63972	MBN
Cadmium	ND	EPA 200.8	0.0001 mg/L	0.005	3/31/23	QC63972	MBN
Chromium	ND	EPA 200.8	0.0015 mg/L	0.1	3/31/23	QC63972	MBN
Manganese	0.0159 mg/L	EPA 200.8	0.0008 mg/L	0.05	3/31/23	QC63972	MBN
Mercury	ND	EPA 200.8	0.0001 mg/L	0.002	3/31/23	QC63972	MBN
Selenium	ND	EPA 200.8	0.0008 mg/L	0.05	3/31/23	QC63972	MBN
Silver	ND	EPA 200.8	0.0005 mg/L	0.1	3/31/23	QC63972	MBN

**Abbreviations/ References:**

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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) 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: 230330059

**Report To:** James Oakden

**Company:** Monument Valley Engineers - MVE Civil  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Bill To:** James Oakden

**Company:** Monument Valley Engineers - MVE Ci  
1903 Lelaray St  
Suite 200  
Colorado Springs CO 80909

**Task No.:** 230330059  
**Client PO:**  
**Client Project:** None Given

**Date Received:** 3/30/23  
**Date Reported:** 5/8/23  
**Matrix:** Water - Drinking

**Customer Sample ID** MVE Samples 1-7  
**Sample Date/Time:** 3/30/23 9:38 AM  
**Lab Number:** 230330059-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
<i>Total</i>							
Thallium	ND	EPA 200.8	0.0002 mg/L	0.002	3/31/23	QC63972	MBN
Zinc	0.006 mg/L	EPA 200.8	0.001 mg/L	5	3/31/23	QC63972	MBN

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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 QC Summary**

**TASK NO: 230330059**

**Report To:** James Oakden  
**Company:** Monument Valley Engineers - MVE Civil

**Receive Date:** 3/30/23  
**Project Name:** None Given

Test	QC Batch ID	QC Type	Result	Method
Chloride	QC64003	Blank	ND	EPA 300.0
Cyanide-Total	QC63969	Blank	ND	EPA 335.4
Fluoride	QC64004	Blank	ND	EPA 300.0
Aluminum	QC63972	Method Blank	ND	EPA 200.8
Antimony	QC63972	Method Blank	ND	EPA 200.8
Arsenic	QC63972	Method Blank	ND	EPA 200.8
Barium	QC63972	Method Blank	ND	EPA 200.8
Beryllium	QC63972	Method Blank	ND	EPA 200.8
Cadmium	QC63972	Method Blank	ND	EPA 200.8
Chromium	QC63972	Method Blank	ND	EPA 200.8
Manganese	QC63972	Method Blank	ND	EPA 200.8
Mercury	QC63972	Method Blank	ND	EPA 200.8
Selenium	QC63972	Method Blank	ND	EPA 200.8
Silver	QC63972	Method Blank	ND	EPA 200.8
Thallium	QC63972	Method Blank	ND	EPA 200.8
Zinc	QC63972	Method Blank	ND	EPA 200.8
Iron	QC63977	Method Blank	ND	EPA 200.7
Nitrate Nitrogen	QC64005	Blank	ND	EPA 300.0
Nitrite Nitrogen	QC64006	Blank	ND	EPA 300.0
Sulfate	QC64007	Blank	ND	EPA 300.0

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Chloride	QC64003	Duplicate	0 - 20	-	0.5	EPA 300.0
		LCS	90 - 110	102.3	-	
		MS	75 - 125	103.3	-	
Cyanide-Total	QC63969	Duplicate	0 - 20	-	0.0	EPA 335.4
		LCS	90 - 110	101.3	-	
		MS	75 - 125	98.0	-	
Fluoride	QC64004	Duplicate	0 - 20	-	1.0	EPA 300.0
		LCS	90 - 110	95.4	-	
		MS	75 - 125	91.9	-	
Aluminum	QC63972	LCS	90 - 110	107.1	-	EPA 200.8
		MS	70 - 130	129.8	-	
		MSD	0 - 10	-	4.8	
Antimony	QC63972	LCS	90 - 110	104.4	-	EPA 200.8
		MS	70 - 130	115.0	-	
		MSD	0 - 10	-	2.4	
Arsenic	QC63972	LCS	90 - 110	98.6	-	EPA 200.8
		MS	70 - 130	124.2	-	
		MSD	0 - 10	-	2.7	
Barium	QC63972	LCS	90 - 110	100.5	-	EPA 200.8

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MCL = Maximum contaminant level per the EPA  
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Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
		MS	70 - 130	105.0	-	
		MSD	0 - 10	-	3.8	
Beryllium	QC63972	LCS	90 - 110	101.8	-	EPA 200.8
		MS	70 - 130	115.9	-	
		MSD	0 - 10	-	1.9	
Cadmium	QC63972	LCS	90 - 110	98.9	-	EPA 200.8
		MS	70 - 130	119.1	-	
		MSD	0 - 10	-	4.8	
Chromium	QC63972	LCS	90 - 110	104.3	-	EPA 200.8
		MS	70 - 130	114.7	-	
		MSD	0 - 10	-	1.4	
Manganese	QC63972	LCS	90 - 110	106.6	-	EPA 200.8
		MS	70 - 130	119.1	-	
		MSD	0 - 10	-	1.4	
Mercury	QC63972	LCS	90 - 110	102.3	-	EPA 200.8
		MS	70 - 130	113.4	-	
		MSD	0 - 10	-	3.5	
Selenium	QC63972	LCS	90 - 110	99.2	-	EPA 200.8
		MS	70 - 130	111.8	-	
		MSD	0 - 10	-	0.7	
Silver	QC63972	LCS	90 - 110	94.8	-	EPA 200.8
		MS	70 - 130	98.4	-	
		MSD	0 - 10	-	0.2	
Thallium	QC63972	LCS	90 - 110	100.9	-	EPA 200.8
		MS	70 - 130	109.6	-	
		MSD	0 - 10	-	1.6	
Zinc	QC63972	LCS	90 - 110	100.1	-	EPA 200.8
		MS	70 - 130	122.3	-	
		MSD	0 - 10	-	2.0	
Iron	QC63977	Duplicate	0 - 20	-	6.1	EPA 200.7
		LCS	90 - 110	98.0	-	
		MS	75 - 125	99.4	-	
Nitrate Nitrogen	QC64005	Duplicate	0 - 20	-	0.8	EPA 300.0
		LCS	90 - 110	98.5	-	
		MS	75 - 125	94.8	-	
Nitrite Nitrogen	QC64006	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	90.7	-	
		MS	75 - 125	93.6	-	
Sulfate	QC64007	Duplicate	0 - 20	-	0.1	EPA 300.0
		LCS	90 - 110	101.1	-	
		MS	75 - 125	102.2	-	

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

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ND = Not Detected at Reporting Limit.

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



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

Lab Control ID: 23H01568

Received: Apr 03, 2023

Reported: May 04, 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: *Roxanne Sullivan*  
Roxanne Sullivan  
Analytical Laboratories Director

Customer ID: 20040H  
 Account ID: Z01034  
**ANALYTICAL REPORT**

Stuart Nielson  
 Colorado Analytical Laboratories, Inc.

<b>Lab Sample ID</b>			23H01568-001					
<b>Customer Sample ID</b>			230330059-01D - MVE Samples 1-7 sampled on 03/30/23 @ 0903					
<b>Parameter</b>	<b>Units</b>	<b>Code</b>	<b>Result</b>	<b>Precision* +/-</b>	<b>Detection Limit</b>	<b>Method</b>	<b>Analysis Date / Time</b>	<b>Analyst</b>
Gross Alpha	pCi/L	T	1.9	1.8	0.1	SM 7110 B	4/26/23 @ 1612	KT
Gross Beta	pCi/L	T	4.9	2.4	2.9	SM 7110 B	4/26/23 @ 1612	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



Customer ID: 20040H  
 Account ID: Z01034  
**ANALYTICAL REPORT**

Stuart Nielson  
 Colorado Analytical Laboratories, Inc.

<b>Lab Sample ID</b>			23H01568-002					
<b>Customer Sample ID</b>			23033059-01E - MVE Samples 1-7 sampled on 03/30/23 @ 0938					
<b>Parameter</b>	<b>Units</b>	<b>Code</b>	<b>Result</b>	<b>Precision* +/-</b>	<b>Detection Limit</b>	<b>Method</b>	<b>Analysis Date / Time</b>	<b>Analyst</b>
Gross Alpha	pCi/L	T	NR	-	-	SM 7110 B	-	-
Gross Beta	pCi/L	T	NR	-	-	SM 7110 B	-	-
Radium-226	pCi/L	T	1.3	0.4	0.2	SM 7500-Ra B	4/28/23 @ 0848	KT
Radium-228	pCi/L	T	1.7	0.8	0.2	EPA pg.19	4/24/23 @ 1207	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

**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

**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:

    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

**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: 23H01572-02c

$$\text{Calculation: } \frac{(45.5) (1.000) - (0.0) (1.000)}{46} \times 100 = 99\%$$

Batch QC Evaluation:

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

\* 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:

23H01538 \_\_\_\_\_  
23H01540 \_\_\_\_\_  
23H01568 \_\_\_\_\_  
23H01570 \_\_\_\_\_  
23H01571 \_\_\_\_\_  
23H01572 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Evaluator:

*Michelle Stringer* \_\_\_\_\_

05/03/2023

Date

**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: 23H01571-1b

$$\text{Calculation: } \frac{(70.3) (1.000) - (1.4) (1.000)}{72.5} \times 100 = 95\%$$

**Batch QC Evaluation:**

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

\* 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:**

23H01513 \_\_\_\_\_  
23H01524 \_\_\_\_\_  
23H01568 \_\_\_\_\_  
23H01570 \_\_\_\_\_  
23H01571 \_\_\_\_\_  
23H01573 \_\_\_\_\_  
23H01633 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Evaluator:  
*Michelle Stringer* \_\_\_\_\_

\_\_\_\_\_ Date 04/30/2023



# Drinking Water Chain of Custody



**Commerce City Lab**  
 10411 Heinz Way  
 Commerce City CO 80640  
  
**Lakewood Service Center**  
 610 Garrison Street, Unit E  
 Lakewood CO 80215  
  
**Phone: 303-659-2313**

[www.coloradolab.com](http://www.coloradolab.com)

Report To Information		Project Information	
Company Name: <b>M.V.E., Inc.</b>	Company Name: _____	PWSID: _____	System Name: _____
Contact Name: <b>James Oakden</b>	Contact Name: _____	Compliance Samples: Yes <input type="checkbox"/> No <input type="checkbox"/>	Send Results to CDPHE: Yes <input type="checkbox"/> No <input type="checkbox"/>
Address: <b>1903 Lelaxay St.</b>	Address: _____	Task Number (Lab Use Only): <b>CAL Task</b>	<b>230330059</b>
City: <b>COS</b> State: <b>CO</b> Zip: <b>80909</b>	City: _____ State: _____ Zip: _____	ARF	
Phone: <b>(719) 635-5736</b>	Phone: _____		
Email: <b>James.O@MVEcivil.com</b>	Email: _____		
Sample Collector: <b>James Oakden</b>	Sample Collector: _____		
Sample Collector Phone: <b>661-430-3641</b>	Sample Collector Phone: _____		

PHASE I, II, V Drinking Water Analyses (check requested analysis)		Subcontract Analyses																																
Date	Time	Client Sample ID / Sample Pt ID	No of Containers	Residual Chlorine (mg/L)	P/A Samples Only	Total Coliform P/A	504.1 EDB/D/BCP	505 Pests/PCBs	515.4 Herbicides	524.2 VOCs	525.2 SOCs-Pest	531.1 Carbamates	547 Glyphosate	548.1 Endothal	549.2 Diquat	524.2 TFHMs	552.2 HAA5s	Lead/Copper	Nitrate	Nitrite	Fluoride	Inorganics	Alk/Lang. Index (Circle)	TOC, DOC (Circle)	SVA, UV 254 (Circle)	Cyanide	Gross Alpha/Beta	Radium 226/228	Radon	Uranium	Chlorite			
3/30/23	9:20am	1	4																															
	9:20am	2	1																															
	9:30am	3	1																															
	9:30am	4	1																															
	9:35am	5	1																															
	9:55am	6	1																															
	9:30am	7	1			X																												

**Instructions:** See attached. vb  
 C/S Info: \_\_\_\_\_  
 Delivered Via: **HD**  
 Relinquished By: **James Oakden** Date/Time: **3/30/23 11:35**  
 Received By: **[Signature]** Date/Time: **3/30/23**  
 Seals Present Yes  No  Headspace Yes  No   
 Temp. °C / °F: **2.7** / **4** Sample Pres. Yes  No   
 Received By: \_\_\_\_\_ Date/Time: \_\_\_\_\_



CAL Task  
230330059

ARF

**Quotation for Analytical Services**  
Quote ID: QBO23030067

**Prepared For:** Monument Valley Engineers - MVE Ci  
1903 Lelaray St  
Suite 200  
Colorado Springs, CO 80909

**Quote Date:** Tuesday, March 14, 2023  
**Turn Around Time:** 10 Working Days

**Attn:** James Oakden

**Project:**

Matrix	Description	Method	Qty	Price - each	Total
Water - Drinking	Langelier Index	N/A	1	\$60.00	\$60.00
Water - Drinking	Alkalinity	SM 2320-B	1	Incl.	Incl.
Water - Drinking	Ca as CaCO3	EPA 200.7	1	Incl.	Incl.
Water - Drinking	Carb/ Bicarb	SM 2320-B	1	Incl.	Incl.
Water - Drinking	Lang Index	SM 2330-B	1	Incl.	Incl.
Water - Drinking	pH/ Temp	SM 4500-H-B	1	Incl.	Incl.
Water - Drinking	TDS	SM 2540-C	1	Incl.	Incl.
Water - Drinking	Nitrate/ Nitrite Nitrogen	Calculation	1	\$0.00	\$0.00
Water - Drinking	Fe - Total	EPA 200.7	1	\$13.00	\$13.00
Water - Drinking	Ag - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Al - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	As - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Ba - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Be - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Cd - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Cr - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Hg	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Mn - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Sb - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Se - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Ti - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Zn - Total	EPA 200.8	1	\$16.00	\$16.00
Water - Drinking	Chloride	EPA 300.0	1	\$18.00	\$18.00
Water - Drinking	Fluoride	EPA 300.0	1	\$18.00	\$18.00
Water - Drinking	Nitrate Nitrogen	EPA 300.0	1	\$18.00	\$18.00
Water - Drinking	Nitrite Nitrogen	EPA 300.0	1	\$18.00	\$18.00
Water - Drinking	Sulfate	EPA 300.0	1	\$18.00	\$18.00
Water - Drinking	Total Coliform P/A	SM 9223	1	\$24.00	\$24.00
Water - Drinking	Cyanide-Total	EPA 335.4	1	\$40.00	\$40.00
Water - Drinking	Gross Alpha/Beta (Sub)	SM 7110-B	1	\$68.40	\$68.40
Water - Drinking	Radium 226 (Sub)	SM 7500-Ra B	1	\$90.00	\$90.00





CAL Task  
230330059

ARF

**Quotation for Analytical Services**  
Quote ID: QBO23030067

LABORATORIES, INC.

Water - Drinking	Radium 228 (Sub)	EPA Ra-05	1	\$139.20	\$139.20
Shipping	Cooler Shipment - UPS	UPS	1	\$15.00	\$15.00
Shipping	Sample Shipment to Outside Lab	UPS	1	\$30.00	\$30.00

**\$777.60**

**\*\*Samples should be shipped or hand delivered the same day they are collected. Orders that require sub-lab analysis should be delivered to the lab Monday thru Wednesday only.\*\***

Colorado Analytical Laboratory maintains certification by the Colorado Department of Health (CDPHE) and EPA Region 8 for Wyoming and Tribal Public Water Systems to analyze drinking water for organic contaminants (SOC's VOC's), inorganic contaminants (metals), nitrate nitrite, cyanide, fluoride and coliform bacteria.

Sub-Lab analysis pricing subject to change. Sub-Lab radiological analysis turn-around time is 4 to 8 weeks depending on sample matrix. Due to time, distance and other constraints outside of the control of CAL shipments to sub labs are not guranteed. All shipment charges will be billed to the client regardless of shipment outcome.

Billing terms are Net 30 on approved accounts, all other accounts are COD. Additional charges may apply for accelerated turn around.

We appreciate the opportunity to be of service to you. If you have questions please call us at 303-659-2313 or visit us at [www.coloradolab.com](http://www.coloradolab.com)