

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR REPLACEMENT PLAN TO ALLOW THE WITHDRAWAL OF GROUND WATER FROM THE DAWSON AQUIFER IN THE KIOWA-BIJOU DESIGNATED GROUND WATER BASIN.

REPLACEMENT PLAN - DETERMINATION OF WATER RIGHT NO. 3619-BD

AQUIFER: DAWSON

APPLICANT: LOUDERMILK LIVING TRUST

In compliance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1 ("Rules" or "Rule"), Loudermilk Living Trust ("Applicant") submitted an application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer in accordance with Determination of Water Right No. 3619-BD.

FINDINGS

1. Pursuant to Section 37-90-107(7), CRS, in a Findings and Order dated December 11, 2018, the Ground Water Commission ("Commission") approved a Determination of Water Right, no. 3619-BD, for the Dawson Aquifer ("Aquifer"), summarized as follows.
 - a. The determination quantified an amount of water from beneath 20 acres of overlying land generally described as the S1/2 of the SE1/4 of the NE1/4, Section 23, Township 11 South, Range 65 West, 6th P.M., in El Paso County.
 - b. The total volume of underlying ground water that may be withdrawn from the Aquifer shall not exceed 1,710 acre-feet and the allowed average annual amount of ground water that may be withdrawn from the Aquifer shall not exceed 17.1 acre-feet.
 - c. The use of the allowed amount of underlying ground water shall be limited to the following beneficial uses: domestic, including in-house use, irrigation, commercial, industrial, fire protection, stockwatering, replacement purposes and recreational.
 - d. In accordance with Rule 5.3.6 the withdrawal of the subject ground water 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 ground water 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 ground water.
2. The subject water is Designated Ground water located within the boundaries of the Kiowa-Bijou Designated Ground Water Basin. The Commission has jurisdiction.
3. Withdrawal of the subject ground water would deplete the alluvial aquifer of the Kiowa-Bijou Designated Ground Water Basin, the alluvial aquifer of the Upper Big Sandy Designated Ground Water Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water 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 alluvial rights withdrawing water from those alluvial aquifers.

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El Paso County, CO



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Aquifer: Dawson

Applicant:

4. Pursuant to Rule 5.6.1 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 Ground Water Basin, the alluvial aquifer of the Upper Big Sandy Designated Ground Water Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water 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 subject application for the replacement plan was received by the Commission on October 22, 2018.
7. The Applicant proposes to divert 2 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through 2 wells. Each Dawson aquifer well is proposed to divert 1 acre-foot of water annually for use in 1 single family residence; irrigation of 10,000 square feet of lawn, garden, and trees; and watering of 4 large domestic animals.
8. At a continuous withdrawal of 2 acre-feet annually for 300 years, total depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Ground Water Basin, Upper Big Sandy Designated Ground Water Basin and Upper Black Squirrel Creek Designated Ground Water Basin would steadily increase to 0.066 acre-feet per year in the 300th year, which is equal to 3.3% of pumping, as shown in Exhibit A.
9. The Applicant proposes to provide 0.27 acre-feet per year of replacement water to the alluvial aquifer system of the Kiowa-Bijou Designated Ground Water Basin from each well. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the ground water to be pumped under the plan. The Applicant estimates that return flows from each well will consist of 90% of the water used for in-house purposes. Assuming each well uses a total annual amount for in-house use of 0.30 acre-feet, the return flow per lot would be 0.27 acre-feet annually, and the return flows under the plan will total 0.54 acre-feet per year for both wells at full build out.
10. The subject property is located within the drainage of Kiowa Creek, and the return flows will flow to the alluvial aquifer of the Kiowa-Bijou Designated Ground Water 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. So long as the septic and leaching treatment systems for the in-house use of the water are constructed and operated in compliance with state and county health department standards the plan would not cause unreasonable impairment of water quality of the alluvial aquifer.
12. 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. 3619-BD.
13. In accordance with Sections 37-90-107.5 and 37-90-112, CRS, the application was published in the Ranchland News newspaper on November 1, 2018 and November 8, 2018. No objections to the application were received within the time limit set by statute.

Aquifer: Dawson

Applicant:

14. The Commission Staff has evaluated the application pursuant to Section 37-90-107.5, CRS, and the requirements of Rule 5.3.6.2(C) and Rule 5.6.
15. According to Rule 5.6.2 of the Designated Basin Rules:
 - a. The Applicant has the burden of proving the adequacy of the plan in all respects.
 - b. The Commission Staff shall propose any additional terms and conditions or limitations which are necessary to prevent material injury and to ensure that the plan is administrable and enforceable.
16. Based on the above, no material injury will occur to the water rights of large capacity wells producing from the alluvial aquifer of the Kiowa-Bijou Designated Ground Water Basin, the alluvial aquifer of the Upper Big Sandy Designated Ground Water Basin and the alluvial aquifer the Upper Black Squirrel Creek Designated Ground Water Basin, due to diversions from the Dawson Aquifer, if operated under this replacement plan, subject to the conditions given below.

ORDER

In accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer underlying 20 acres that are the subject of Determination of Water Right no. 3619-BD is approved subject to the following conditions:

17. The Dawson aquifer water will be withdrawn through 2 wells. The allowed use of ground water for each well under this plan is use in 1 single family residence; irrigation of 10,000 square feet of lawn, garden, and trees; and watering of 4 domestic animals.
18. The allowed annual amount of ground water to be withdrawn from the aquifer by all wells operating under this plan shall not exceed 2 acre-feet. The allowed annual amount of water to be withdrawn from each well shall not exceed 1 acre-foot.
19. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
20. Permanent records of all withdrawals of ground water from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission.
21. 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.
22. Return flows from in-house use of ground water shall occur through individual on-lot non-evaporative septic systems located within the 20 acres of overlying land that are the subject of Determination of Water Right No. 3619-BD.
23. The septic systems must be constructed and operated to state and county health department standards.

Aquifer: Dawson

Applicant:

24. 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.
25. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan, and that the replacement prevents any material injury to the water rights of other appropriators. 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.
26. 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.
27. 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 irrigation or animal watering is allowed to be served by any of the wells.
28. 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 make the required replacement deliveries.
29. The Applicant or their successor(s) must gather, record 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 on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15th 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.
 - d. The number of square feet irrigated by each well.
 - e. The number of domestic animals served by each well.
 - f. The return flows occurring from use of all wells operating under the plan, assuming 0.27 acre-feet per year per well (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.
30. The Applicant or their successor(s) 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, evidence of the sale and notification to the new owner of their responsibility under the replacement plan shall accompany that year's accounting.


Aquifer: Dawson

Applicant:

31. Should the wells be used in a subdivision, any covenants adopted for the subdivision should contain a description of the replacement plan, including the limitations on water use for each lot, metering of well pumping, and how the plan is to be administered.
32. 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 ground water.
33. All terms and conditions of Determination of Water Right No. 3619-BD must be met.
34. Pursuant to Designated Basin Rule 5.6.1(F), the Commission retains jurisdiction to modify or revoke approval of this replacement plan if monitoring or operating experience reveals that the plan results in any material injury to water rights of other appropriators or unreasonable impairment to water quality.
35. A copy of this Findings and Order shall be recorded by the Applicant in the real property records of El Paso County, so that a title examination of the above described property, or any part thereof, shall reveal to all future purchasers the existence of this replacement plan. The terms and conditions of this replacement plan shall be considered to be a covenant on and running with the subject property.

Dated this Dated this 11th day of December, 2018.

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


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

F&O3619-BD-RP.docx
Prepared by: jmw

Exhibit A
Replacement Plan - Determination No.: 3619-BD
Page 1 of 1

| Designated Basin Summary Table for Loudermilk Living Trust Pumping Rate of 2 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Section 23, T11S, R65W, 6th P.M. | | | | | |
|--|-----------------------------|--------------------------|------|-----------------------------|--------------------------|
| Year | Depletion as a % of Pumping | Annual Depletion (AF/YR) | Year | Depletion as a % of Pumping | Annual Depletion (AF/YR) |
| 5 | 0.0 | 0.000 | 155 | 1.3 | 0.027 |
| 10 | 0.0 | 0.000 | 160 | 1.4 | 0.028 |
| 15 | 0.0 | 0.000 | 165 | 1.5 | 0.029 |
| 20 | 0.0 | 0.000 | 170 | 1.5 | 0.031 |
| 25 | 0.0 | 0.001 | 175 | 1.6 | 0.032 |
| 30 | 0.1 | 0.001 | 180 | 1.7 | 0.033 |
| 35 | 0.1 | 0.002 | 185 | 1.7 | 0.035 |
| 40 | 0.1 | 0.002 | 190 | 1.8 | 0.036 |
| 45 | 0.1 | 0.003 | 195 | 1.9 | 0.037 |
| 50 | 0.2 | 0.003 | 200 | 1.9 | 0.039 |
| 55 | 0.2 | 0.004 | 205 | 2.0 | 0.040 |
| 60 | 0.2 | 0.005 | 210 | 2.1 | 0.042 |
| 65 | 0.3 | 0.006 | 215 | 2.1 | 0.043 |
| 70 | 0.3 | 0.007 | 220 | 2.2 | 0.044 |
| 75 | 0.4 | 0.008 | 225 | 2.3 | 0.046 |
| 80 | 0.4 | 0.009 | 230 | 2.3 | 0.047 |
| 85 | 0.5 | 0.010 | 235 | 2.4 | 0.048 |
| 90 | 0.5 | 0.011 | 240 | 2.5 | 0.050 |
| 95 | 0.6 | 0.012 | 245 | 2.6 | 0.051 |
| 100 | 0.7 | 0.013 | 250 | 2.6 | 0.052 |
| 105 | 0.7 | 0.014 | 255 | 2.7 | 0.054 |
| 110 | 0.8 | 0.015 | 260 | 2.8 | 0.055 |
| 115 | 0.8 | 0.017 | 265 | 2.8 | 0.056 |
| 120 | 0.9 | 0.018 | 270 | 2.9 | 0.058 |
| 125 | 1.0 | 0.019 | 275 | 3.0 | 0.059 |
| 130 | 1.0 | 0.020 | 280 | 3.0 | 0.060 |
| 135 | 1.1 | 0.022 | 285 | 3.1 | 0.062 |
| 140 | 1.1 | 0.023 | 290 | 3.2 | 0.063 |
| 145 | 1.2 | 0.024 | 295 | 3.2 | 0.064 |
| 150 | 1.3 | 0.026 | 300 | 3.3 | 0.066 |

Created by Ground Water Commission Staff: jmw on October 24, 2018

Replacement Plan Accounting Reporting Form

Determination of Water Right Number: 3619-BD

Aquifer from which wells produce water: Dawson

Submit to: Colorado Ground Water Commission, 1313 Sherman St., Room 821, Denver, CO 80203

Person responsible for gathering and submitting data (required)

Name: _____

Email address: _____

Mailing Address: _____

Telephone: _____

Calendar year being reported ¹: _____

Calendar year operation of the plan was initiated ²: _____

Year number of operation of the plan ³: _____

Annual replacement water requirement (acre-feet/year) ⁴: _____

| Well Permit no. ⁵ | Address of property served by this well ⁶ | Meter Reading at beginning of year ⁷ | Meter Reading at end of year ⁸ | Metered pumping this year ⁹ | Meter's Units ¹⁰ | Date of Meter reading at end of year ¹¹ | Metered pumping this year ¹² (acre-feet) | Pumping of this well since initiation of operation of the plan ¹³ (acre-feet) |
|---------------------------------|--|--|--|--|--------------------------------|--|--|---|
| | | | | | | | | |
| | | | | | | | | |
| Total of all wells: | | | | | | | | |

| Well Permit no. ⁵ | Address of property served by this well ⁶ | Number of Occupied Single Family Dwellings ¹⁴ | Amount of Irrigated Land ¹⁵ (ft ²) | Number of Large Domestic Animals ¹⁶ | Estimated Return Flow ¹⁷ (acre-feet) |
|---------------------------------|--|---|--|---|--|
| | | | | | |
| | | | | | |
| Total of all wells: | | | | | |

Conversion rates:

1 acre-foot equals 325,851 gallons

1 acre-foot equals 43,560 cubic feet

See reverse side for notes.

Notes:

- 1) Calendar year for which this report is being submitted.
- 2) The calendar year when the first well permitted pursuant to this plan was constructed, or when the first permit for an existing well was issued pursuant to the plan. Once the plan has been initiated this year will not change.
- 3) The number of years after initiation of operation of the plan. The year of initiation is year number 1.
- 4) Equal to "Annual Depletion" on Exhibit A of the Replacement Plan.
- 5) The well permit number of the well being operated pursuant to the plan.
- 6) The address of the property served by the well.
- 7) The reading on the meter at the beginning of the year. Equal to reading on the meter at end of year on last year's reporting form. For the first year of operation of a well this is the meter reading prior to pumping under the plan.
- 8) Reading on the meter at the end of the year.
- 9) The amount of water pumped by the well this year. Equal to the reading on the meter at the end of this year minus reading on the meter at the beginning of the year. If a new meter was installed during the year, explain that fact and report the sum of the readings of the old and new meters over the year.
- 10) Units of measurement shown on the meter.
- 11) Date that the meter was read this year. This should be on December 31st or as close to that date as possible.
- 12) The amount pumped this year, reported in acre-feet.
- 13) The cumulative amount of water pumped by this well since initiation of operation of the plan. Equal to "Pumping of this well since initiation of operation of the plan" on last year's reporting form plus "Pumping of this well this year" on this year's reporting form.
- 14) The number of occupied single family dwellings supplied by the well.
- 15) The amount of irrigated land supplied by the well.
- 16) The number of large domestic animals supplied by the well.
- 17) Return flow consists of water recharged into the alluvial aquifer by way of non-evaporative septic and leaching field system discharges, which are estimated as 0.27 acre-feet per year per well (90 percent of the amount of water supplied to in-house uses by each well supplying an occupied dwelling). Refer to the Findings and Orders of the approved replacement plan.

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO GROUND WATER IN THE
KIOWA-BIJOU DESIGNATED GROUND WATER BASIN

DETERMINATION NO.: 3619-BD

AQUIFER: Dawson

APPLICANT: Loudermilk Living Trust

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Loudermilk Living Trust (hereinafter "Applicant") submitted an application for determination of water right to designated ground water from the Dawson Aquifer.

FINDINGS

1. The application was received by the Colorado Ground Water Commission on October 22, 2018.
2. The Applicant requests a determination of right to designated ground water in the Dawson Aquifer (hereinafter "Aquifer") underlying 20 acres, generally described as the S1/2 of the SE1/4 of the NE1/4, Section 23, Township 11 South, Range 65 West, 6th P.M., in El Paso County. According to a signed Ownership Statement dated October 11, 2018, attached hereto as Exhibit A, the Applicant owns the 20 acres of land, which are further described in said Ownership Statement (hereinafter "Overlying Land"), and claims control of the right to the ground water in the Aquifer underlying this land (hereinafter "Underlying Ground Water").
3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Ground Water Basin. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction over the ground water that is the subject of this Determination.
4. The Commission Staff has evaluated the application relying on the claims to control of the Underlying Ground Water in the Aquifer made by the Applicant.
5. The Applicant intends to apply the Underlying Ground Water to the following beneficial uses: domestic, including in-house use, irrigation, commercial, industrial, fire protection, stockwatering, replacement purposes and recreational. The Applicant's proposed place of use of the Underlying Ground Water is the above described 20 acres of overlying land.
6. The application requests the maximum allowable annual amount of Underlying Ground Water from beneath the Overlying Land.
7. The quantity of water in the Aquifer underlying the 20 acres of Overlying Land claimed by the applicant is 1,860 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 20 percent.
 - b. The average thickness of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 465 feet.

8. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the Aquifer that could be allocated from beneath the Overlying Land would be 18.6 acre-feet per year.
9. A review of the records in the Office of the State Engineer has disclosed that a small-capacity well, permit no. 171879, is located on the Overlying Land and is permitted to withdraw 1.5 acre-feet per year of ground water from the Aquifer from beneath the Overlying Land. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the allowed average annual amount of withdrawal from beneath the Overlying Land is reduced to 17.1 acre-feet per year so as to reserve water for that well. The effect of this reservation is to reduce the quantity of Underlying Ground Water which is considered available for allocation to 1,710 acre-feet. Except for that well, review of the records in the Office of the State Engineer has disclosed that none of the water in the Aquifer underlying the land claimed by the Applicant has been previously allocated or permitted for withdrawal.
10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the land claimed by the Applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the Underlying Ground Water is considered to be not-nontributary ground water. Withdrawal of water from the Aquifer underlying the claimed land area would impact the alluvial aquifer(s) of Kiowa Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on this land area to withdraw the Underlying Ground Water from the Aquifer.
13. 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 November 1, 2018 and November 8, 2018. No objections to the application were received within the time limit set by statute.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Dawson Aquifer underlying 20 acres of land, generally described as the S1/2 of the SE1/4

of the NE1/4, Section 23, Township 11 South, Range 65 West, 6th P.M., further described in Exhibit A, is approved subject to the following conditions:

14. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 17.1 acre-feet.
15. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 1,710 acre-feet.
16. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of Underlying Ground Water that may be withdrawn from the Aquifer to conform to actual Aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
17. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of Underlying Ground Water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
18. 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.
19. 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 that allow the withdraw of the Underlying Ground Water.
20. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: domestic, including in-house use, irrigation, commercial, industrial, fire protection, stockwatering, replacement purposes and recreational. The place of use shall be limited to the above described 20 acres of Overlying Land. The ground water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission.
21. Approval of this determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
22. Wells withdrawing the allowed amount of Underlying Ground Water allocated herein are subject to the following conditions:
 - a. The wells must be located on the above described 20 acres of Overlying Land.
 - b. 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.

- c. The wells must be constructed to withdraw water from only the Dawson Aquifer.
 - d. The entire depth of each well must be geophysically logged prior to installing the casing as forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - e. 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.
 - f. 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.
23. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 20 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.
24. The ground water right determined herein is a vested property right with specific ownership. The ground 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 of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of ground water that is being conveyed.

Dated this 11th day of December, 2018.

By: 

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



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

Prepared by: jmw
F&O3619-BD.doc

Form GWS-1 (08/2016)

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

RECEIVED

OCT 22 2018

WATER RESOURCES
STATE ENGINEER
COLO

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

AQUIFER: DAWSON

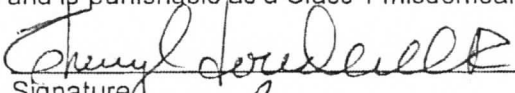
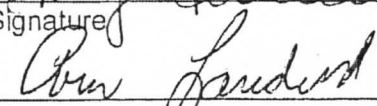
I (we) (Please Print) Loudermilk Living Trust
claim and say that I (we) am (are) the owner(s) of the following described property consisting of
20 acres in the County of El Paso, State of Colorado,
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the
land is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

S1/2SE1/4NE1/4 of Section 23, T11S, R65W of the 6th P.M.

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

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

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

| | |
|--|-------------------------|
|  Signature | <u>10-11-18</u> Date |
|  Signature | <u>10-11-18</u> Date |

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