

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

APPLICANT: MEADOW LAKE AIRPORT ASSOCIATION, A NON-PROFIT CORPORATION

AQUIFER: DENVER

DETERMINATION NO.: 1046-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Meadow Lake Airport Association, a non-profit corporation, (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Denver Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on September 1, 2006.
2. The applicant requests a determination of rights to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 522 acres, generally described as the majority of the S $\frac{1}{2}$, and a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, the majority of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated April 16, 2006, the applicant owns the 522 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, agricultural, irrigation, stock watering, fire protection, and augmentation. The applicant's proposed place of use of the allocated ground water is the above described 522 acre overlying land area and an additional 222.6 acres generally described as part of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$, and part of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ all in Section 9, Township 13 South, Range 64 West of the 6th P.M. The 222.6 acre additional place of use area is further described in Exhibit B of Determination No. 1044-BD.

6. The replacement water requirement for withdrawal of ground water from the aquifer underlying the 522 acres of overlying land claimed by the applicant consists of two different requirements, which effectively divides the claimed land into three areas. The amount of ground water in the aquifer and a maximum annual amount available for allocation will be determined specifically for the aquifer underlying each of the three areas. These areas are designated and described as follows:

Area A – 464 acres, generally described as the portion of the applicant's claimed overlying land area in the S $\frac{1}{2}$ of Section 4, the southeastern portion of the applicant's claimed overlying land area in the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th P.M.

Area B – 57.5 acres, generally described as the northern portion of the applicant's claimed overlying land area in W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, northwestern portion of the applicant's claimed overlying land area in the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, Township 13 South, Range 64 West of the 6th P.M.

Area C – 0.5 acres, generally described as the southern portion of the applicant's claimed overlying land area in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 13 South, Range 64 West of the 6th P.M.

These three areas are depicted in a map attached hereto as Exhibit B.

7. The quantity of water in the aquifer underlying the 1034 acres of land claimed by the applicant is as follows: Area A = 16,170 acre-feet; Area B = 2,199 acre-feet; Area C = 17 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.
 - b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is as follows: Area A = 205 feet; Area B = 225 feet; Area C = 200 feet.
8. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
9. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 522 acres of overlying land claimed by the applicant is as follows: Area A = 162 acre-feet; Area B = 22.0 acre-feet; Area C = 0.17 acre-feet.

10. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the maximum average annual amount of ground water available for allocation from the aquifer underlying the 57.5 acre portion of land claimed by the applicant, designated Area B, is reduced to 21.0 acre-feet to allow for the annual withdrawal of a small capacity well which is completed in the aquifer, permit number 202235. Except for this 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.
11. 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.
12. 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.
13. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that the replacement water requirements for withdrawal of ground water from the aquifer underlying the subject land area are as follows:

Area A – Withdrawal of ground water from the aquifer underlying the 464 acre portion of 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 ground water is considered to be non-tributary ground water. Also, the location of the 464 acre portion of the land claimed by the applicant is closer than one mile from the aquifer contact with the alluvium. Withdrawal of water from the aquifer underlying the 464 acre portion of the claimed land area would impact the alluvial aquifer of Upper Black Squirrel Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan - pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules - providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this portion of the land area to withdraw the allocated ground water from the aquifer.

Area B – Withdrawal of ground water from the aquifer underlying the 57.5 acre portion of 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 ground water is considered to be non-tributary ground water. Also, the location of the 57.5 acre portion of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

Area C – Withdrawal of ground water from the aquifer underlying the 0.5 acre portion of 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 ground water is considered to be non-tributary ground water. Also, the location of the 0.5 acre portion of the land claimed by the applicant is closer than one mile from the aquifer contact with the alluvium. Withdrawal of water from the aquifer underlying the 0.5 acre portion of the claimed land area would impact the alluvial aquifer of Upper Black Squirrel Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan - pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules - providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this portion of the land area to withdraw the allocated ground water from the aquifer.

14. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
15. On September 20, 2006, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
16. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
17. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on September 28 and October 5, 2006.
18. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
19. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Denver Aquifer underlying 522 acres of land, generally described as the majority of the S $\frac{1}{2}$, and a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, the majority of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

20. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed the following: Area A = 162 acre-feet; Area B = 21.0 acre-feet; Area C = 0.17 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
21. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
22. 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.
23. Replacement water requirements shall be as follows:
 - a. For the aquifer underlying the above-described 464 acres of Area A, 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 be located on the overlying land area to withdraw ground water from the aquifer.
 - i. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area A through wells located within Area A, the allowed maximum annual amount of withdrawal underlying the above-described Area B may be withdrawn through wells located on Area A, subject to the conditions of an approved replacement plan.
 - ii. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area A through wells located within Area A, the allowed maximum annual amount of withdrawal underlying the above-described Area C may be withdrawn through wells located on Area A, subject to the conditions of an approved replacement plan.
 - b. For the aquifer underlying the above-described 57.5 acres of Area B, at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

- i. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area B through wells located within Area B, the allowed maximum annual amount of withdrawal underlying the above-described Area A may be withdrawn through wells located on Area B, subject to the conditions of an approved replacement plan.
 - ii. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area B through wells located within Area B, the allowed maximum annual amount of withdrawal underlying the above-described Area C may be withdrawn through wells located on Area B, subject to the conditions of an approved replacement plan.
- c. For the aquifer underlying the above-described 0.5 acres of Area C, 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 be located on the overlying land area to withdraw ground water from the aquifer.
 - i. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area C through wells located within Area C, the allowed maximum annual amount of withdrawal underlying the above-described Area A may be withdrawn through wells located on Area C, subject to the conditions of an approved replacement plan.
 - ii. Upon withdrawal of the allowed maximum annual amount of withdrawal underlying Area C through wells located within Area C, the allowed maximum annual amount of withdrawal underlying the above-described Area B may be withdrawn through wells located on Area C, subject to the conditions of an approved replacement plan.
24. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, agricultural, irrigation, stock watering, fire protection, and augmentation. The place of use shall be limited to the above described 522 acre overlying land area and the above described additional 222.6 acre land area.
25. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 522 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
26. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 522 acre overlying land area.

- b. The wells must be constructed to withdraw water from only the Denver Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
- c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
- d. Each well shall be constructed within 200 feet of the location specified on the approved well permit and, except for wells permitted pursuant to this determination, must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
- 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
- f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.
27. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 522 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 21st day of November, 2006.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith L. Vander Horst
Keith Vander Horst, P.E.
Supervisor, Designated Basins

EXHIBIT B

1046-BD

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DIVISION OF WATER RESOURCES STATE OF COLORADO

Receipt Number: 3604624 C
Applicant: Meadow Lake Airport Association
Basin: Upper Black Squirrel
GWMD: Upper Black Squirrel
Aquifer: Tkd

Sections: 4, 5, 9
Township: 13 S
Range: 64 W
Meridian: S







Total area claimed: 522 acres

Area A - NNT AIR
464 acres

Area B - NNT 4%
57.5 acres

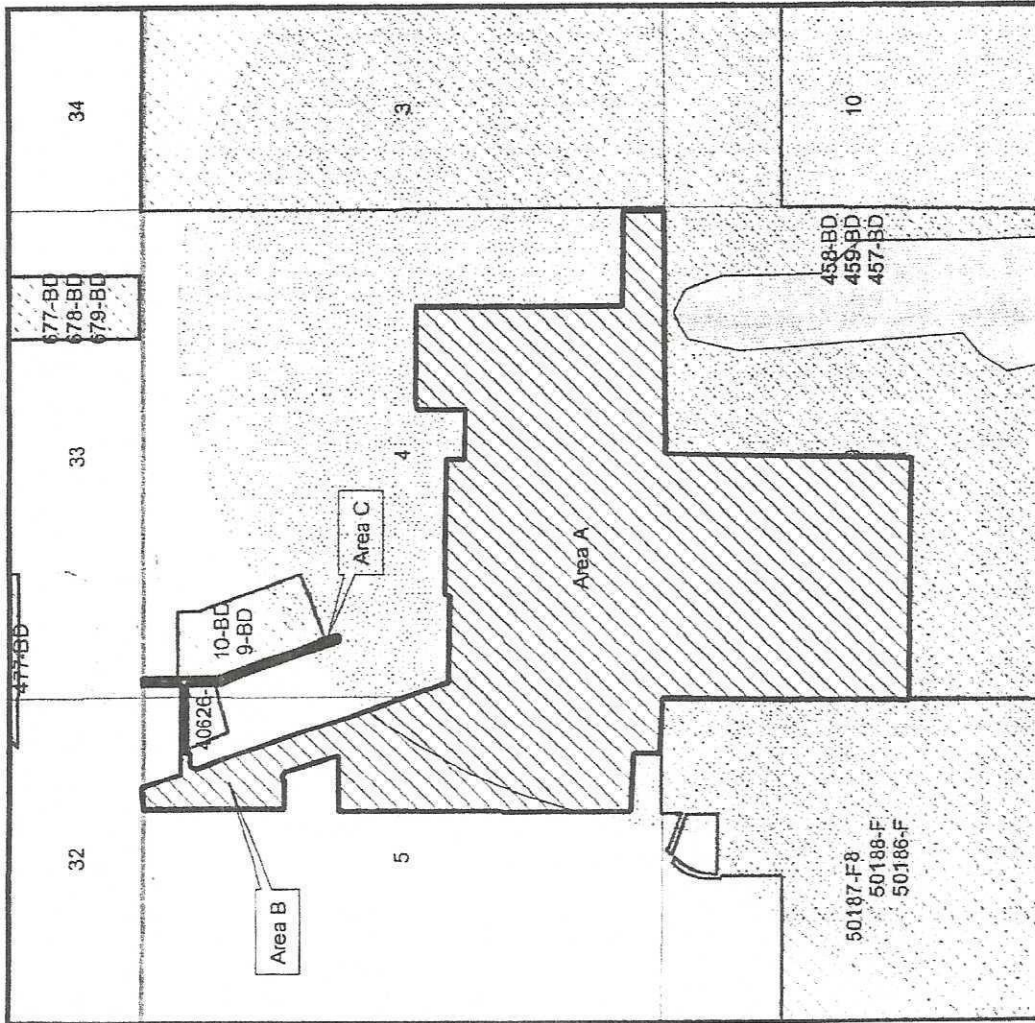
Area C - NNT AIR
0.5 acres

Legend

-  Parcel
-  Basin
-  Township
-  Section
-  Tkd Alluvium
-  Tkd AIR



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



1:24,000



**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

APPLICANT: MEADOW LAKE AIRPORT ASSOCIATION, A NON-PROFIT CORPORATION

AQUIFER: ARAPAHOE

DETERMINATION NO.: 1045-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Meadow Lake Airport Association, a non-profit corporation, (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Arapahoe Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on September 1, 2006.
2. The applicant requests a determination of rights to designated ground water in the Arapahoe Aquifer (hereinafter "aquifer") underlying 522 acres, generally described as the majority of the S $\frac{1}{2}$, and a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, the majority of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated April 16, 2006, the applicant owns the 522 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, agricultural, irrigation, stock watering, fire protection, and augmentation. The applicant's proposed place of use of the allocated ground water is the above described 522 acre overlying land area and an additional 222.6 acres generally described as part of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$, and part of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ all in Section 9, Township 13 South, Range 64 West of the 6th P.M. The 222.6 acre additional place of use area is further described in Exhibit B of Determination No. 1044-BD.
6. The quantity of water in the aquifer underlying the 522 acres of land claimed by the applicant is 17,304 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:

- a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.
- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 195 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 522 acres of overlying land claimed by the applicant is 173 acre-feet.
9. A 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 not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.
13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.

14. On September 20, 2006, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on September 28 and October 5, 2006.
17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
18. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Arapahoe Aquifer underlying 522 acres of land, generally described as the majority of the S $\frac{1}{2}$, and a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, the majority of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 173 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
21. 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.

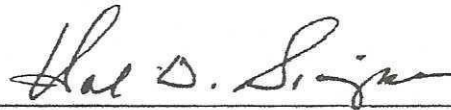
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, agricultural, irrigation, stock watering, fire protection, and augmentation. The place of use shall be limited to the above described 522 acre overlying land area and the above described additional 222.6 acre land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 522 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 522 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Arapahoe Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit and, except for wells permitted pursuant to this determination, must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
 - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

Applicant: Meadow Lake Airport Association
Aquifer: Arapahoe
Determination No.: 1045-BD

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26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 522 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 21st day of November, 2006.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith L. Vander Horst
Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANT: MEADOW LAKE AIRPORT ASSOCIATION, A NON-PROFIT CORPORATION

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: 1044-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Meadow Lake Airport Association, a non-profit corporation, (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on September 1, 2006.
2. The applicant requests a determination of rights to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 522 acres, generally described as the majority of the S $\frac{1}{2}$, and a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, the majority of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated April 12, 2006, the applicant owns the 522 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, agricultural, irrigation, stock watering, fire protection, and augmentation. The applicant's proposed place of use of the allocated ground water is the above described 522 acre overlying land area and an additional 222.6 acres generally described as part of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$, and part of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ all in Section 9, Township 13 South, Range 64 West of the 6th P.M. The 222.6 acre additional place of use area is further described in the attached Exhibit B.
6. The quantity of water in the aquifer underlying the 522 acres of land claimed by the applicant is 16,052 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:

- a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 15 percent.
- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 205 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 522 acres of overlying land claimed by the applicant is 160 acre-feet.
9. A 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 not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.
13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.

14. On September 20, 2006, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on September 28 and October 5, 2006.
17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
18. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Laramie-Fox Hills Aquifer underlying 522 acres of land, generally described as the majority of the S $\frac{1}{2}$, and a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4, the majority of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, and the NW $\frac{1}{4}$ of Section 9, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 160 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
21. 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.

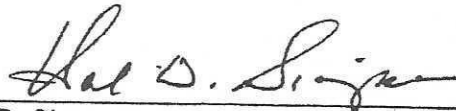
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, agricultural, irrigation, stock watering, fire protection, and augmentation. The place of use shall be limited to the above described 522 acre overlying land area and the above described additional 222.6 acre land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 522 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 522 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit and, except for wells permitted pursuant to this determination, must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
 - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

Applicant: Meadow Lake Airport Association
Aquifer: Laramie-Fox Hills
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26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 522 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 21st day of November, 2006.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR

Meadow Lake Airport
Ground Support Vehicles

	year	make	model	remarks	acquired	from	funding
plows	2007	International	7500	10' plow	2019	DEN	CDAG
	1970	Oshkosh	W-712	14' plow	2007	DEN	CDAG
	1993	International	2574	12' plow	2005	DEN	CDAG
	1998	Chevrolet	3500	9' plow sander	2005	DEN	CDAG
	2005	Chevrolet	2500	7'6" plow sprayer	2016	DEN	CDAG
brooms	1987	Oshkosh	H2318- SPCL	18' broom (20' total width)	2005	DEN	CDAG
mowers	1997	Case	8920		2016	DEN	CDAG
	2004	Rhino		triple-deck			CDAG
	1986	Jacobsen	HR-15	bat-wing	2022	ANK	CDAG
		International	2544		2003	BJC	cash
		Rhino		triple-deck			
		unknown		triple-deck			
utility	1986	International	F-1954	aerial lift	2019	DEN	CDAG
	2004	Chevrolet	2500	4x4 Utility	2019	BJC	CDAG
	2001	Chevrolet	Suburban		2017	DEN	CDAG
	2006	CAT	906	front end loader	2006	DEN	CDAG
	2005	Trackless	MT5	broom snow blower	2015	COS	CDAG
	2005	Trackless	MT5	broom flailer	2015	DEN	CDAG
	1999	Trackless	MT5	broom snow blower	2020	COS	CDAG
	1999	Trackless	MT5	broom mower	2015	DEN	CDAG
	1991	MB	GSV	mower broom	2005	DEN	CDAG
	1993	John Deere	F930	mower snow blower			cash
	1975	Ford	545	loader			cash
	2004	Allmand		light tower	2020	DEN	CDAG
misc	2001	Marathon	TRA/REM	melting kettle	2012	TEX	cash