

Team Chris Minor Subdivision

WATER RESOURCES REPORT

For Team Chris Minor Subdivision

March 26, 2025

Prepared By:



13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921

This report does not contain a water quality analysis per the requirements on LDC Sec. 8.4.7.B.10.

Please note that at this time, there is not a sufficiency made in terms of water quality. You will need to include the water quality tests per the requirements of the LDC and obtain a water quality sufficiency finding prior to BoCC approval.

Please note that if a water sufficiency finding cannot be made before the scheduled BoCC hearing on July 24th, it will result in a continuance of the BoCC hearing until a water sufficiency finding can be made.

Executive Summary:

Preliminary Water Resources Report – Team Chris Minor Subdivision

W. James Tilton and Ryan W. Farr of Monson, Cummins, Shohet & Farr, LLC, on behalf of the Applicant, Chris Team Living Trust, c/o Christine Tschamler (“Owner”), provide the following Water Resources/Wastewater Disposal Report in support of the Black Squirrel Minor Subdivision. The attorneys at Monson, Cummins, Shohet & Farr, LLC (“MCSF”) have extensive experience in water related matters, with Mr. Farr having practiced water law almost exclusively for nearly 11 years. MCSF has substantial experience with Denver Basin groundwater resources, augmentation plans, designated basin replacement plans, subdivision proceedings, and rural water usage. Given his experience, Mr. Farr should be considered a “qualified professional” as concerns water resources, as discussed at Section 8.4.7(B)(1)(c) of the El Paso County Land Development Code. This Report, overseen by Mr. Farr and prepared in conjunction with other professionals, is intended to demonstrate to the El Paso County Planning Commission and the Board of County Commissioners the sufficiency in terms of quantity and dependability, of the water rights and resources to be utilized in the proposed Team Chris Minor Subdivision (the “Subdivision”), in El Paso County, Colorado.

The Property consists of approximately 19.39 acres located in the N½ NW¼ NE¼ of Section 14, Township 11 South, Range 65 West of the 6th P.M; El Paso County, Colorado, designated as Parcel No. 5114000019. Each of the potential three (3) lots in the Subdivision are to be provided water and sewer/septic services by means of on-site individual wells and Individual Septic Disposal Systems (“ISDS”). The proposed minor subdivision has one existing well on Lot 2, which is 6.39 acres in size. The remaining 13 acres of land that makes up Lots 1 and 3 is currently unimproved. Lot 1 and Lot 3 will each have an individual well and ISDS and are approximately 6.38 and 6.4 acres in size, respectively.

The existing well on Lot 2 will be re-permitted as described in the approved replacement plan. **Exhibit B.** This well will be permitted to pump up to one (1) acre-foot of water annually. Lots 1 and 3 in the Minor Subdivision will each pump up to 0.5 annual acre-feet of water, for a total of 2.0 annual acre-feet being withdrawn from the not-nontributary Dawson aquifer annually by means of three individual wells constructed to the not-nontributary Dawson aquifer, consistent with Replacement Plan 4760-RP approved by the Colorado Ground Water Commission, recorded at El Paso County Clerk and Recorder’s instrument no. 225012413. **Exhibit B.** Such water supply demand is similar to other rural residential homes’ historical demand. The Replacement Plan will provide for a 300-year water supply for each lot within the Subdivision, with each lot utilizing a non-evaporative ISDS. This 300-year water supply is sustainable based on initial estimates of Dawson aquifer supplies.

The water resources to be utilized on the residential lots in the Subdivision are typical of rural residential development in this area of El Paso County, Colorado. Estimates of availability of water supplies demonstrate a sufficient quantity and reliability

of water to support compliance with El Paso County's 300-year water supply rules for subdivisions of this nature.

I. INTRODUCTION

The purpose of this report is to provide a preliminary outline of the water resources and associated wastewater requirements necessary for approval of the Team Chris Minor Subdivision, as proposed.

1.1 New Development Description: The Subdivision consists of 19.39 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 11 South, Range 65 West of the 6th P.M; El Paso County, Colorado. The Property will be subdivided into up to three lots. **Exhibit A**, attached hereto, is the lot layout for the Subdivision as proposed, prepared by APEX Land Surveying and Mapping, LLC. This analysis accounts for water reserved for an existing, exempt well, and the 300-year supply necessary for two additional augmented wells.

II. PROJECTION OF WATER NEEDS

2.1 Analysis of Water Demands: It is expected that the three residential lots in the Subdivision will utilize three individual wells (one well per lot) drilled to the Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock, and fire protection. An existing well with Permit No. 73654 will provide water supply to Lot 2 of the proposed subdivision. This well has been re-permitted to be included in this replacement plan. It is anticipated that the residence on Lot 2 will utilize a minimum of 0.26 acre-feet and up to 1.0 acre-feet annually for in-house residential purposes, irrigation of lawn and garden, and watering of livestock. Additionally, Lots 1 and 3 will utilize individual wells to be subject of a replacement plan. It is anticipated that the residences on Lots 1 and 3 will each utilize a minimum of 0.26 acre-feet and up to 0.5 acre-feet annually. The existing well, currently permitted under Permit No. 73654, is constructed to and will produce from the not-nontributary Dawson aquifer at a flow rate of 10 to 15 gallons per minute, based upon past production. This well will be re-permitted to be used as outlined in Replacement Plan 4760-RP. The two wells to be constructed will also produce from the not-nontributary Dawson aquifer at similar flow rates.

There are no other wells currently constructed on the property. Based on past experience with the numerous Dawson aquifer wells serving rural residential properties throughout El Paso County, this rate of production should be more than sufficient to meet demand for in-house use.

III. PROPOSED WATER RIGHTS AND FACILITIES

3.1 Water Rights: A Replacement Plan utilizing the underlying Dawson aquifer has been approved by the Colorado Ground Water Commission. The Replacement Plan,

and the Basin Determinations issued by the Colorado Ground Water Commission, include the following estimated quantities of water supplies that will meet both legal and physical needs on a 300-year basis:

AQUIFER	Saturated Thickness (ft)	Total Water Adjudicated (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)	Annual Average Withdrawal – 300 Years (Acre Feet)
Dawson (NNT)	390	1,460	14.6	4.86
Denver (NT)	350	1,150	11.5	N/A
Arapahoe (NT)	270	890	8.9	N/A
Laramie Fox Hills (NT)	190	553	5.53	N/A

All depletions will be augmented in time, place and amount through septic return flows during pumping. Being within a designated basin, there is no need to reserve water resources to provide for post-pumping replacement. All amounts provided in this paragraph 3.1 reflect the Colorado Ground Water Commission's Findings and Order, Basin Determinations no. 4760-BD (Dawson aquifer), 4759-BD (Denver aquifer), 4758-BD (Arapahoe aquifer), and 4757-BD (Laramie-Fox Hills aquifer). These Basin Determinations have been recorded with El Paso County Clerk and Recorder's Office at instrument nos. 225012412, 225012411, 225012410, and 225012409, respectively. See **Exhibit C**.

3.2 Source of Supply: Rural residential water supply demand will be met using an existing not-nontributary Dawson aquifer formation well and two additional not-nontributary wells to be constructed to the Dawson aquifer, in accordance with any issued Replacement Plan. Consistent with El Paso County Land Development Code Section 8.4.7(B)(3)(c)(v), a minor subdivision utilizing individual wells need not make a further showing as to source of supply.

3.3 Pumping Rates for Service: The Dawson aquifer in the location of the Subdivision is generally known to produce approximately 10-15 gallons per minute, more than sufficient for single family residential and accessory uses.

IV. WASTEWATER AND WASTEWATER TREATMENT – While soils, geology and geotechnical analysis will be provided by other consultants hired by the Owners, the Owners provide a summary of ISDS to be utilized herein, as relates to water usage and resulting return flows which support the approved Augmentation Plan.

4.1 Septic/Wastewater Loads: Septic projections are based on similar Denver Basin residential uses on rural residential lots. Average daily wastewater loads are expected to be approximately 232 gallons per day per single-family residence assuming residential in-house use at the conservative 0.26 acre-feet per year rate for augmentation supplies based on the El Paso County Land Development Code residential demand standard of 0.26 acre-feet per year.

4.2 On-Site Wastewater Treatment Systems: The three residential lots within the Subdivision will be served by on-site non-evaporative ISDS. The on-site non-evaporative ISDS have and will be installed according to El Paso County Guidelines and

properly maintained to prevent contamination of surface and subsurface water resources.

Respectfully submitted this 26th day of March, 2025.

MONSON, CUMMINS, SHOHET & FARR, LLC

/s/ W. James Tilton

W. James Tilton

Ryan W. Farr

Exhibits:

A – Plat of the Property

B – Replacement Plan: 4760-RP

C – Basin Determinations: 4760-BD, 4759-BD, 4758-BD, 4757-BD

Exhibit A

TEAM CHRIS SUBDIVISION

BEING A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14,
TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL DETAILS

Address: 18412–18440 BLACK SQUIRREL ROAD, COLORADO SPRINGS, CO 80908
APN/Parcel ID: 5114000019
Owner of Record: Team Chris Living Trust Dated April 11, 2018 C/O Christine Tschamler,
Phone: 301–502–0791

OWNER'S CERTIFICATION AND DEDICATION

The undersigned, being being all the owners, mortgagees, beneficiaries of deeds of trust and holders of the land described herein, have laid out, subdivided, and platted said land into Lots and easements as shown hereon unto the name and style of TEAM CHRIS SUBDIVISION.

Team Chris Living Trust Dated April 11, 2018 C/O Christine Tschamler, Owner
Date

State of Colorado }
County of El Paso } ss

The foregoing plat was Acknowledged before me on this _____ day
of _____, 20____, A.D. by Team Chris Living Trust Dated April
11, 2018 C/O Christine Tschamler, owner.

Witness my hand and official seal

Notary Public

My Commission Expires: _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat of TEAM CHRIS SUBDIVISION was approved for filing by the El Paso County, Colorado Board of County Commissioners on this _____ day of _____, 20____, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (streets, tracts, easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual.

Chair, Board of County Commissioners Date

Planning and Community Development Director

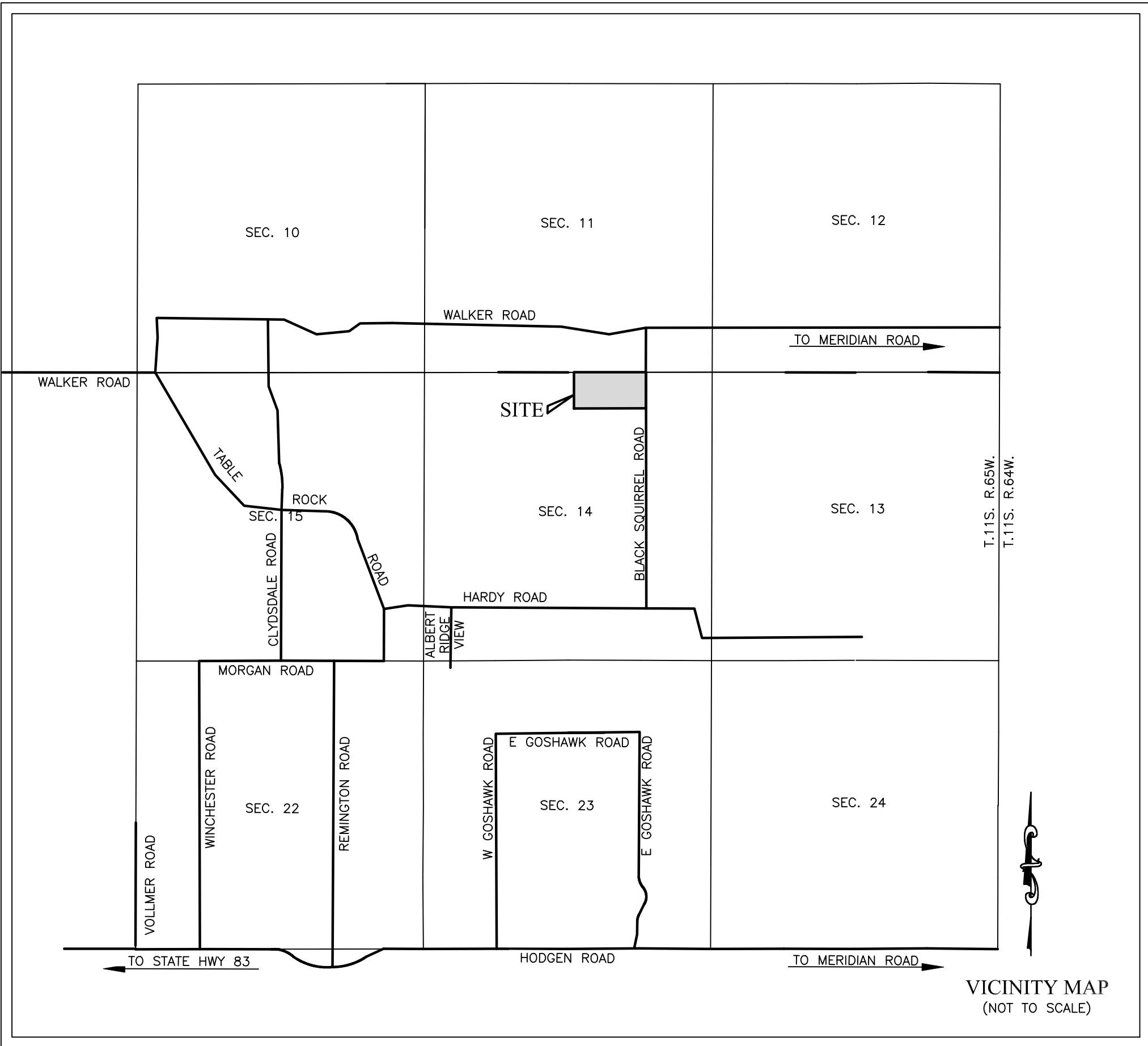
LEGAL DESCRIPTION

The North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14 in Township 11 South, Range 65 West of the 6th P.M., together with 80 foot right-of-way described in Exhibit B in Warranty Deed recorded in Book 2460 at page 374 of the records of El Paso County, Colorado,

(Per Title Commitment Order Number RND55116760)

FEES:

Drainage Fee: _____
School Fee: _____
Bridge Fee: _____
Park Fee: _____



PLAT NOTES

- Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
- No driveway shall be established unless an access permit has been granted by El Paso County.
- Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- Sewage treatment is the responsibility of each individual property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.
- Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.
- Ingress and egress to Lot 1 and Lot 2 via Lil Squirrel Lane (Private Roadway). Lot 3 shall have direct access to Black Squirrel Road.
- The Federal Emergency Management Agency, Flood Insurance Rate Map No. 08041C0310G, effective date of December 07, 2018, indicates this parcel of land to be located in Zone X (Areas of minimal flood hazard).
- The Parcel is currently Zoned RR–5.
- The following reports have been submitted in association with the Final Plat for this subdivision and are on file with the El Paso County Planning and Community Development Department; Drainage Report; Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Wildland fire & Hazard Mitigation Plan.
- All Property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements are specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impeded the flow of runoff shall not be placed in drainage easements.
- Developer shall comply with federal and state laws regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act.
- Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts from Black Squirrel Road and Lil Squirrel Lane per land development code Section 6.3.C.2 and 6.3.33.C3. Due to their length, some of the driveways will need to be specifically approved by the Falcon Fire District.

PLAT NOTES CONTINUED

- Due to wildfire concerns, homeowners are encouraged to incorporate wildfire fuel break provisions as recommended by the Colorado State Forest Service and illustrated through publications available through the State Forest Service. LDC 6.3.3.
- Individual investigations for new building sites and septic systems will be required prior to construction.
- The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 24–377), or any amendments thereto, at or prior to the time of building permit submittal. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- The private roads as shown on this plat will not be maintained by El Paso County until and unless the streets are constructed in conformance with El Paso County standards in effect at the date of the request for dedication and maintenance.
- Due to high groundwater in the area, all foundations shall incorporate an underground drainage system.
- Gas and Electric: The subdivider/developer is responsible for extending utilities to each lot, tract or building site. Electric service for this subdivision is provided by Mountain View Electric Association subject to the District's rules, regulations and specifications. Gas service for this subdivision is provided by Black Hills Energy subject to the District's rules, regulations and specifications.
- Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.
- All property within this subdivision is subject to a Declaration of Covenants as recorded at Reception No. _____, of the records of the El Paso County Clerk and Recorder.
- All lots within the subdivision have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report Soils and Geology Study by Rocky Mountain Group dated September 13, 2024 in file SF2426 available at the El Paso County Development Services Department. Hazards:
 - Compressible Soils
 - Expansive soil/Bedrock
 - Potentially Compressible, expansive soils bedrock
 - Radon
 - Potentially Seasonally High Groundwater (seasonally frequent ground and surface water)
 - Faults and Seismicity
- Prior to construction of proposed residences, lot specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and or expansive soils are present on the lot , and to determine an appropriate foundation design, basement or crawl space suitability, and or lot specific recommendation are necessary to mitigate these conditions.

SURVEYOR'S NOTES

- NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a class 2 misdemeanor pursuant to the Colorado Revised Statute 18–4–508.
- The lineal units used in this drawing are U.S. Survey Feet.
- The fieldwork for this survey was completed on January 2, 2024.
- The overall subject parcel contains a calculated area of 835,276 square feet (19.18 acres) of land, more or less. Subject parcel to be divided into three lots as shown hereon.
- This survey does not constitute a title search by Apex Land Surveying and Mapping, LLC. to determine ownership or easements of record. For information regarding easements, rights-of-way and title of record, Apex Land Surveying and Mapping, LLC. relied upon Title Commitment RND55116760–2, with an effective date of 09/30/2024 @ 5:00 P.M. as provided by Land Title Guaranty Company & Old Republic National Title Insurance Company..
- Bearings are based on a portion of the North line of Section 14, T11S, R65W of the 6th Principal Meridian, monumented on the west end with a found No. 6 rebar, rehabilitated with 2–1/2" aluminum cap, T11S R65W 1/4 S13S14 2024 PLS 38759, flush with grade, and on the east end with a found No. 6 rebar with 2–1/2" aluminum cap marked 1/4 S11S14 1997 PLS 4842, flush with grade and is assumed to bear N89°17'09"E a measured distance of 2,637.40 feet.
- Any underground or above ground utilities shown hereon have been located from field survey information. Apex Land Surveying and Mapping, LLC. does not guarantee said underground utilities to be shown in their exact location and that said underground utilities are shown in their entirety. Apex Land Surveying and Mapping, LLC. did not physically enter any manholes or inlets to verify size and material. Where additional or more detailed information is required, the client is advised that excavation may be necessary.
- Exception No. 13 in title commitment stipulates terms, conditions, provisions, burdens and obligations as set forth in right of way recorded July 09, 1967 under Reception No. 563351 under Book 2202 at Page 117. Said right of way and easement for roadway, utilities, ingress and egress purposes over and across the East 80 feet of that part of the west half of the Southeast quarter of Section 11 in Township 11 South, Range 65 West of the 6th P.M., as graphically depicted on this Subdivision Plat.
- Right Of Way Deed per Book 2636 at Page 733 by Reception No. 30371 grants, bargain, sell, and convey the said 80' Strip (40' on either side of centerline) to El Paso County as graphically depicted on this Land Survey Plat. POINT OF INTERSECTION WITH NORTH LINE OF SECTION 14, a distance of 1354.79' (R&C) lands within field measured evidence of intersection of Black Squirrel Road (Gravel road) and private road (gravel road). This document is listed as an "EX" in the vesting deed (Warranty Deed by Reception No. 218044100).
- Abbreviated Legal Description in vesting Warranty Deed by Reception No. 218044100 Has an address listed as 6275 Montabor Dr, Colorado Springs CO 80918. The address listed in this document is the address for Chris team Living trust, not the physical address of main subject parcel.
- Exception No. 19–Grant of right of way to maintain view electric association, inc. over a portion of subject property as recorded June 5, 2001 under reception No. 201075608. The evidence in this description in this document does not touch the subject parcel.
- Exception No. 20–Grant of right of way to maintain view electric association, inc. over a portion of subject property as recorded October 2, 2012 under Reception No. 212115628. The evidence in this description does not touch the subject parcel.
- Exception No. 22–Easement granted to public service company of Colorado, for utility, and incidental purposes, by instrument recorded april 21, 1964, in book 2007 at page 850. The evidence in this description does not touch the subject parcel.

SURVEYOR'S CERTIFICATE

I, Danny Rodic, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000 ; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above on this _____ day of _____, 20____.

Surveyor's Name, (Signature) _____ Date
Colorado Registered PLS #38759

CLERK AND RECORDER:

State of Colorado }
County of El Paso } ss
I certify that this instrument was filed for record in my office at _____ O'Clock
____M., this _____ day of _____, 20____, A.D.
and is duly recorded in plat book _____, at page number _____,
under Reception No. _____, of the records of El Paso County,
Colorado.

Fee: _____


By: _____
El Paso County Clerk and Recorder

PDC File No: SF-2426

APEX Land Surveying and Mapping LLC.

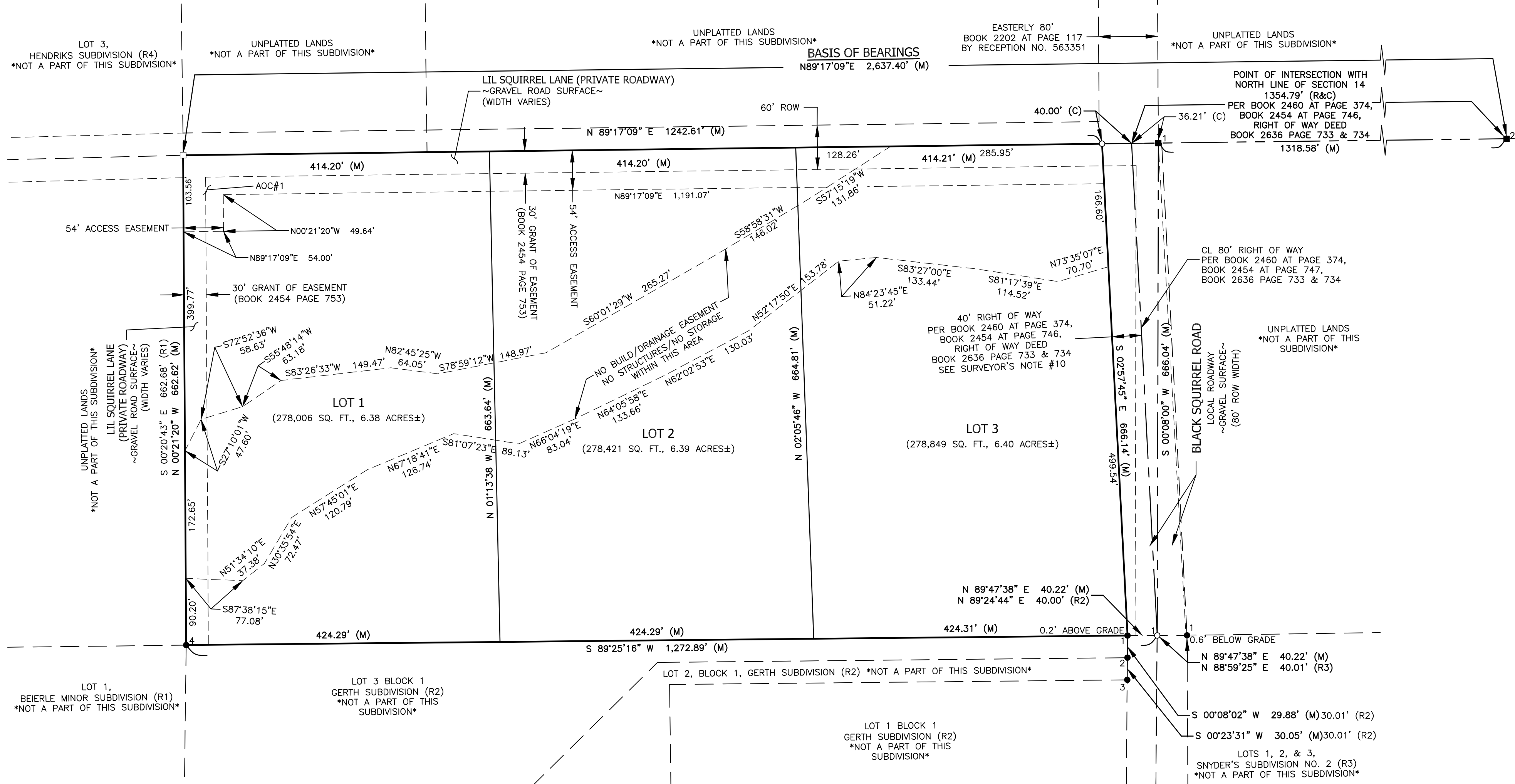
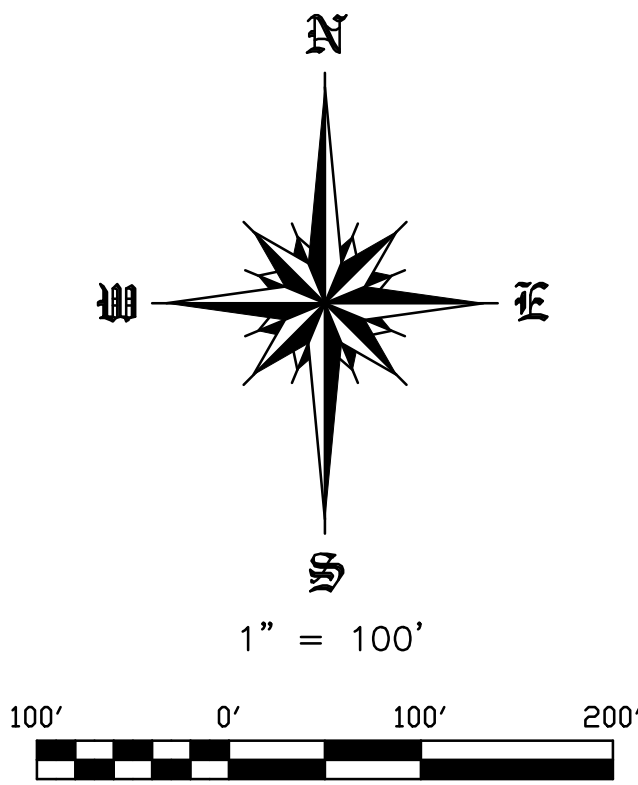
5855 Lehman Drive, Suite 102
Colorado Springs, CO 80918
Phone: 719-318-0377
E-mail: info@apexsurveyor.com
Website: www.apexsurveyor.com

DATE: August 23, 2024		REVISIONS	
No.	Remarks	Date	By
1.	Per county comments	12–01–2024	DDR
2.	Per county comments	01–27–2025	DDR
3.	Per county comments	03–18–2025	DDR
Field: TJM/DDR		Drawn: TJM/DDR	Checked: DDR

	APEX Land Surveying and Mapping LLC.	
	5555 Lehman Drive, Suite 102 Colorado Springs, CO 80918 Phone: 719-318-0377 E-mail: info@apexsurveyor.com Website: www.apexsurveyor.com	
LAND SURVEYING AND MAPPING LLC	PROJECT No.: 24032	SHEET 1 OF 2

TEAM CHRIS SUBDIVISION

BEING A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14,
TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF EL PASO, STATE OF COLORADO.



LEGEND

- 1 ● FOUND NO. 5 REBAR AS NOTED
- 2 ● FOUND NO. 4 REBAR WITH 1" YELLOW PLASTIC CAP, PLS 15686, FLUSH WITH GRADE
- 3 ● FOUND NO. 4 REBAR WITH 1" YELLOW PLASTIC CAP REMNANTS, 0.2' ABOVE GRADE
- 4 ● FOUND NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP, PLS 38141, 0.6' BELOW GRADE
- 1 ■ N 1/16 SEC 14 T11S R65W FOUND NO. 6 REBAR WITH 2-1/2" ALUM CAP MARKED E1/16 S11&S14 1997 PLS 4842, FLUSH WITH GRADE
- 2 ■ NE 1/4 SEC 14 T11S R65W FOUND NO. 6 REBAR WITH 2-1/2" ALUM CAP MARKED 1/4 S11&S14 1997 PLS 4842, FLUSH WITH GRADE
- N 1/4 SEC. 14 T11S R65W. FOUND NO. 6 REBAR, REHABILITATED WITH 2-1/2" ALUM CAP, T11S R65W 1/4 S13&S14 2024 PLS 38759, FLUSH WITH GRADE
- FOUND NO. 5 REBAR WITH 1-1/4" PURPLE PLASTIC CAP, PLS 38759, FLUSH WITH GRADE
- 1 ○ FOUND NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP, PLS 38759, 0.5' BELOW GRADE
- (R) RECORD VALUE
- (R1) RECORD VALUE (BEIERLE MINOR SUBDIVISION) RECEPTION NO. 216713868
- (R2) RECORD VALUE (GERTH SUBDIVISION) PLAT BOOK X-3 AT PAGE 178
- (R3) RECORD VALUE (SNYDER'S SUBDIVISION NO.2) RECEPTION NO. 1490259
- (R4) RECORD VALUE (HENDRICKS SUBDIVISION) RECEPTION NO. 1775523
- (M) MEASURED VALUE
- ↗ BREAK SYMBOL

Danny Rodic
State of Colorado Professional Land Surveyor No. 38759
For and on behalf of Apex Land Surveying and Mapping LLC.

PDC File No.: SF-2426

DATE: August 23, 2024		REVISIONS	
No.	Remarks	Date	By
1.	Per county comments	12-01-2024	DDR
2.	Per county comments	01-27-2025	DDR
3.	Per county comments	03-18-2025	DDR
Field: TJM/DDR		Drawn: TJM/DDR	Checked: DDR



APEX Land Surveying and Mapping LLC.

5855 Lehman Drive, Suite 102
Colorado Springs, CO 80918
Phone: 719-318-0377
E-mail: info@apexsurveyor.com
Website: www.apexsurveyor.com

PROJECT No.: 24032

SHEET 2 OF 2

**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 Kiowa-Bijou Designated Groundwater Basin.

Replacement Plan No. 4760-RP

For Determination of Water Right No. 4760-BD

Aquifer: Dawson

Applicant: Chris Team Living Trust

In compliance with section 37-90-107.5, C.R.S. and the Designated Basin Rules, 2 CCR 410-1 (Rules or Rule), Chris Team Living Trust (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. 4760-BD.

Findings

1. Pursuant to section 37-90-107(7), C.R.S., in a Findings and Order dated February 10, 2025, the Ground Water Commission (Commission) approved a Determination of a Right to an Allocation of Groundwater, No. 4760-BD, from the Dawson Aquifer (Aquifer), summarized as follows.
 - a. The determination quantified an amount of water from beneath 19.39 acres of overlying land generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (Overlying Land).

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 2

- b. The amount of water in the aquifer that was allocated was 1,460 acre-feet, and the allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 14.6 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage.
 - 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 Kiowa-Bijou Designated Groundwater Basin. 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

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 3

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 September 18, 2024.
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 three wells to be located on three residential lots. One of the three wells is anticipated to pump a maximum of 1.0 acre-foot, and the other two wells will pump a maximum of 0.5 acre-feet each from the not-nontributary Dawson aquifer. Each well will be used for use in one single family residence with the remainder of the pumping for other accessory uses of additional dwelling units, landscape, lawn, and garden irrigation, and for the watering of domestic animals and livestock. The land on which the wells will be located is the Overlying Land described above.
8. At a continuous withdrawal of 2 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

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 4

Squirrel Creek Designated Groundwater Basin would steadily increase to 0.069 acre-feet per year in the 300th year, which is equal to 3.46% of pumping, as shown in Exhibit A.

9. The Applicant proposes to provide 0.54 acre-feet per year of replacement water to the alluvial aquifer system of the Kiowa-Bijou 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 a total minimum annual amount for in-house use of 0.20 acre-feet, the return flow would be 0.18 acre-feet annually, and the return flows under the plan will total 0.54 acre-feet per year for all three lots 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 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

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 5

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. 4760-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. 4760-BD, and such water is legally available for use pursuant to this plan.
16. 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 November 28, 2024 and December 5, 2024. No objections to the application were received within the time limit set by statute.
17. 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 by the Commission.
18. The Commission Staff, having 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

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 6

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 19.39 acres that are the subject of Determination of Water Right no. 4760-BD is approved subject to the following conditions:

19. The Dawson Aquifer water will be withdrawn through three wells to be located on three residential lots. The allowed use of groundwater for each well under this plan is use in one single family residence with the remainder of the pumping for other accessory uses of additional dwelling units, landscape, lawn, and garden irrigation, and for the watering of domestic animals and livestock. The land on which the wells will be located is the Overlying Land described above.
20. The allowed annual amount of groundwater to be withdrawn from the Aquifer by all wells operating under this plan shall not exceed 2 acre-feet. One of the three wells is anticipated to pump a maximum of 1.0 acre-foot, and the other two wells will pump a maximum of 0.5 acre-feet each from the nontributary Dawson aquifer.
21. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
22. 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 on forms acceptable to the Commission, on an

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 7

- annual basis for the previous calendar year, by February 15th of the following year, or more often upon request.
23. 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.
 24. Return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems located within the 19.39 acres of Overlying Land that are the subject of Determination of Water Right No. 4760-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
 25. 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.
 26. 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.
 27. 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.

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 8

28. 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.
29. 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.
30. The Applicant or their successor(s) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not 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, or more often upon request.
 - a. Identification of the well permits issued and wells constructed under this plan.
 - b. The amount of water diverted by each well, and all wells in combination, both annually and cumulatively since operation of the plan began.
 - c. The number of occupied dwellings served by each well.
 - d. The return flows occurring from use of all wells operating under the plan, assuming 0.18 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.

Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

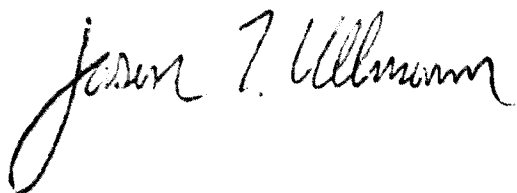
Page 9

- e. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
-
- 31. 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, 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.
 - 32. 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.
 - 33. 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.
 - 34. All terms and conditions of Determination of Water Right No. 4760-BD must be met.
 - 35. 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.

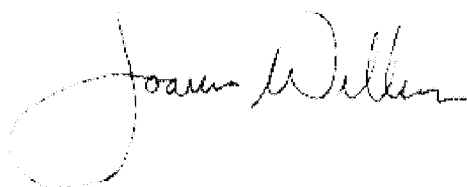
Replacement Plan No. 4760-RP, Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 10

Dated this 10th day of February, 2025.

A handwritten signature in black ink, reading "Jason T. Ullmann". The signature is written in a cursive style with a large, looping initial 'J'.

Jason T. Ullmann, P.E.
Executive Director
Colorado Ground Water Commission

A handwritten signature in black ink, reading "Joanna Williams". The signature is written in a cursive style with a large, looping initial 'J'.

By: Joanna Williams, P.E.
Chief of Water Supply, Designated Basins

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Prepared by: idc

Exhibit A
Replacement Plan - Determination No.: 10038395-BD
Page 1 of 1

Designated Basin Summary Table for Chris Team Living Trust							
Pumping Rate of 2 acre-feet per year for 300 Years from the Dawson aquifer							
Section(s): Section 14, T11S, R65W, 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	2.0	0.0000	0.00	155	2.0	0.0310	1.55
10	2.0	0.0001	0.01	160	2.0	0.0323	1.62
15	2.0	0.0003	0.02	165	2.0	0.0337	1.68
20	2.0	0.0006	0.03	170	2.0	0.0351	1.75
25	2.0	0.0011	0.05	175	2.0	0.0364	1.82
30	2.0	0.0016	0.08	180	2.0	0.0378	1.89
35	2.0	0.0022	0.11	185	2.0	0.0391	1.96
40	2.0	0.0030	0.15	190	2.0	0.0405	2.02
45	2.0	0.0038	0.19	195	2.0	0.0418	2.09
50	2.0	0.0047	0.23	200	2.0	0.0432	2.16
55	2.0	0.0057	0.28	205	2.0	0.0445	2.23
60	2.0	0.0067	0.33	210	2.0	0.0459	2.29
65	2.0	0.0078	0.39	215	2.0	0.0472	2.36
70	2.0	0.0089	0.44	220	2.0	0.0485	2.43
75	2.0	0.0101	0.50	225	2.0	0.0499	2.49
80	2.0	0.0112	0.56	230	2.0	0.0512	2.56
85	2.0	0.0125	0.62	235	2.0	0.0525	2.62
90	2.0	0.0137	0.69	240	2.0	0.0538	2.69
95	2.0	0.0150	0.75	245	2.0	0.0551	2.76
100	2.0	0.0163	0.81	250	2.0	0.0564	2.82
105	2.0	0.0176	0.88	255	2.0	0.0577	2.89
110	2.0	0.0189	0.94	260	2.0	0.0591	2.95
115	2.0	0.0202	1.01	265	2.0	0.0604	3.02
120	2.0	0.0215	1.08	270	2.0	0.0616	3.08
125	2.0	0.0229	1.14	275	2.0	0.0629	3.15
130	2.0	0.0242	1.21	280	2.0	0.0642	3.21
135	2.0	0.0256	1.28	285	2.0	0.0655	3.27
140	2.0	0.0269	1.35	290	2.0	0.0668	3.34
145	2.0	0.0283	1.41	295	2.0	0.0680	3.40
150	2.0	0.0296	1.48	300	2.0	0.0693	3.46

Created by idc on October 29, 2024

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

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 Kiowa-Bijou Designated Groundwater Basin

Determination No.: 4760-BD

Aquifer: Dawson

Applicant: Chris Team Living Trust

In compliance with section 37-90-107(7) of the Colorado Revised Statutes (“C.R.S.”), and the Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1 (“Designated Basin Rules”), Chris Team Living Trust (“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 September 18, 2024.
2. The Applicant requests a determination of right to an allocation of designated groundwater (“Determination”) in the Dawson aquifer (“Aquifer”) underlying 19.39 acres, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (“Overlying Land”). According to a Nontributary Groundwater Landownership Statement dated September 18, 2024, attached hereto as Exhibit A, the Applicant owns the 19.39 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.

Determination No. 4760-BD

Page 2

Aquifer: Dawson

Applicant: Chris Team Living Trust

3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Groundwater Basin. 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 19.39 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), C.R.S., 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 19.39 acres of Overlying Land claimed by the Applicant is 1,510 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 390 feet.

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 3

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. 73654, is located on the Overlying Land and is permitted to withdraw 1 acre-feet per year of groundwater from the Aquifer from beneath the Overlying Land. The applicant has indicated that permit no. 73654 will be canceled 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 50 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 50 acre-feet to 1,460 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), C.R.S., 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), C.R.S., 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), C.R.S. 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 Designated Basin Rules.

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 4

11. Large capacity well permits issued pursuant to section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 1,460 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 14.6 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, C.R.S., 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.R.S.
 - 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 (0.1%) 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 Kiowa-Bijou 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

Determination No. 4760-BD

Page 5

Aquifer: Dawson

Applicant: Chris Team Living Trust

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), C.R.S., 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. In accordance with sections 37-90-107(7)(c)(II), C.R.S. and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on November 28, 2024 and December 5, 2024. 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 Commission hereby determines a right to an allocation of designated

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 6

groundwater in the Dawson Aquifer underlying 19.39 acres of land, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

15. The amount (i.e. volume) of water in the Aquifer underlying the 19.39 acres of Overlying Land allocated herein is 1,460 acre-feet (“Underlying Groundwater”).
16. 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.
17. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), C.R.S., 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), C.R.S.
18. Well permits issued pursuant to section 37-90-107(7), C.R.S., (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 1,460 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, C.R.S. after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 7

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 withdrawal 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.

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 8

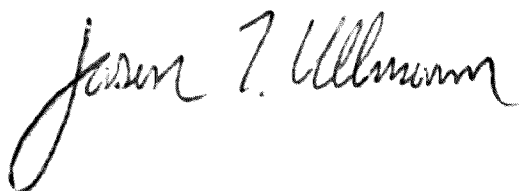
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 19.39 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.
- g. The wells must be located on the above described 19.39 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 upon request.

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 9

- 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.
19. Existing well permit no. 73654 must be canceled and a new permit issued for that well to operate pursuant to this Determination.
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 19.39 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.

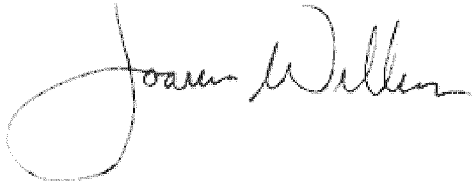
Dated this 10th day of February, 2025.

A handwritten signature in black ink, reading "Jason T. Ullmann". The signature is fluid and cursive, with the first name "Jason" being more prominent and the last name "Ullmann" following in a similar style.

Jason T. Ullmann, P.E.
Executive Director
Colorado Ground Water Commission

Determination No. 4760-BD
Aquifer: Dawson
Applicant: Chris Team Living Trust

Page 10

A handwritten signature in black ink, appearing to read "Joanna Williams". The signature is fluid and cursive, with a large loop at the beginning of the first name.

By: Joanna Williams, P.E.
Chief of Water Supply, Designated Basins

F&O4760-BD.docx

Prepared by: idc

Exhibit A
4760-BD
Page 1 of 3

Form no. **DIVISION OF WATER RESOURCES**
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**
(7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**
(303) 866-3581, www.colorado.gov/water, 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. See instructions on the reverse of this form. Type or print in black or blue ink.

1. APPLICANT INFORMATION			
Name of Applicant Chris Team Living Trust			
Mailing Address 6275 Montarbor Drive	City Colorado Springs	State CO	Zip Code 80918
Telephone Number (include area code) (719) 641-7946		Email cttschamler@gmail.com / wjt@cowaterlaw.com	
2. AQUIFER Dawson			
3. CLAIM OF OWNERSHIP – 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>19.39</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description). See Attached - 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.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>9/18/2024</u> Print name and title: <u>W. James Tilton, Attorney</u>			

Exhibit A
4760-BD
Page 2 of 3

218044100 4/19/2018 12:29 PM
PGS 2 \$18.00 DF \$0.00
Electronically Recorded Official Records El Paso County CO
Chuck Broerman, Clerk and Recorder
TD1000 N

After recording, please return to:

Forbush Legal, PLLC
902 S. Weber Street
Colorado Springs, CO 80903

DOCUMENTARY TRANSFER TAX - \$0
\$0 - For no consideration - Transfer to Trust

Reserved for recording information

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Christine L. Tschamler of El Paso County, Colorado, (hereinafter "Grantor") intending this instrument to operate solely as to transfer to a trust for estate planning purposes, for no consideration, hereby transfers and conveys to the Chris Team Living Trust dated April 11, 2018, whose address is 6275 Montarbor Dr, Colorado Springs, CO 80918 (hereinafter "Grantee") all of Grantor's right, title and interest in and to the following real property located in El Paso County, State of Colorado described as:

**N2NW4NE4, EX PT TO CO BY BK 2636-733 SUBJ TO
R/W EASEMENT AS DES IN BK 2454-753 SEC 14-11-65**

commonly known as: **6275 Montarbor Dr, Colorado Springs, CO 80918**

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

TO HAVE AND TO HOLD the said premises above conveyed and described, with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for themselves, their heirs, and personal representatives, do covenant, grant, and agree to and with the Grantee, its heirs and assigns, that at the time of the signing and delivery of these presents, they are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to grant, bargain, sell and convey the same in a 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 general taxes for the current year and subsequent years, and except any easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The Grantor shall and will **WARRANT THE TITLE AND FOREVER DEFEND** the above-conveyed premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

Executed and delivered on April 11, 2018



Christine L. Tschamler

Exhibit A
4760-BD
Page 3 of 3

STATE OF COLORADO)
) ss.
COUNTY OF El Paso)

This Warranty Deed was acknowledged before me on April 11, 2018 by Christine L. Tschamler as Grantor.


Notary Public

ANTHONY A. LEYERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114064163
MY COMMISSION EXPIRES 10/28/2019

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 Kiowa-Bijou Designated Groundwater Basin

Determination No.: 4759-BD

Aquifer: Denver

Applicant: Chris Team Living Trust

In compliance with section 37-90-107(7) of the Colorado Revised Statutes (“C.R.S.”), and the Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1 (“Designated Basin Rules”), Chris Team Living Trust (“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 September 18, 2024.
2. The Applicant requests a determination of right to an allocation of designated groundwater (“Determination”) in the Denver aquifer (“Aquifer”) underlying 19.39 acres, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (“Overlying Land”). According to a Nontributary Groundwater Landownership Statement dated September 18, 2024, attached hereto as Exhibit A, the Applicant owns the 19.39 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.

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 2

3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Groundwater Basin. 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 19.39 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), C.R.S., 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 19.39 acres of Overlying Land claimed by the Applicant is 1,150 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 350 feet.

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 3

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), C.R.S., 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 1,150 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), C.R.S., 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), C.R.S., 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), C.R.S. 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 Designated Basin Rules.
11. Large capacity well permits issued pursuant to section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 4

- a. Pursuant to section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 1,150 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 11.5 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, C.R.S., 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.R.S.
 - 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 (0.1%) 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), C.R.S., 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

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 5

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. In accordance with sections 37-90-107(7)(c)(II), C.R.S. and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on November 28, 2024 and December 5, 2024. 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 Commission hereby determines a right to an allocation of designated groundwater in the Denver Aquifer underlying 19.39 acres of land, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

15. The amount (i.e. volume) of water in the Aquifer underlying the 19.39 acres of Overlying Land allocated herein is 1,150 acre-feet ("Underlying Groundwater").
16. 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

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 6

holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.

17. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), C.R.S., 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), C.R.S.
18. Well permits issued pursuant to section 37-90-107(7), C.R.S., (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 1,150 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, C.R.S. 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

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 7

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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 19.39 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.
- g. The wells must be located on the above described 19.39 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

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

Page 8

that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

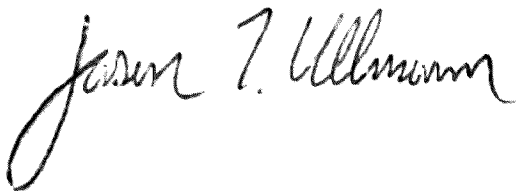
- i. The wells must be constructed to withdraw water from only the Denver Aquifer.
 - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing 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 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.
19. 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 19.39 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
20. 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

Determination No. 4759-BD
Aquifer: Denver
Applicant: Chris Team Living Trust

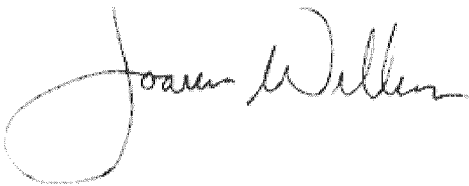
Page 9

specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 10th day of February, 2025.

A handwritten signature in black ink, reading "Jason T. Ullmann". The signature is written in a cursive style with a large, looping initial 'J'.

Jason T. Ullmann, P.E.
Executive Director
Colorado Ground Water Commission

A handwritten signature in black ink, reading "Joanna Williams". The signature is written in a cursive style with a large, looping initial 'J'.

By: Joanna Williams, P.E.
Chief of Water Supply, Designated Basins

F&O4759-BD.docx

Prepared by: idc

Form no. **DIVISION OF WATER RESOURCES**
 GWS-1 **DEPARTMENT OF NATURAL RESOURCES**
 (7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**
(303) 866-3581, www.colorado.gov/water, dwrpermitsonline@state.co.us

Exhibit A
4759-BD
Page 1 of 3

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. See instructions on the reverse of this form.
 Type or print in black or blue ink.

1. APPLICANT INFORMATION			
Name of Applicant Chris Team Living Trust			
Mailing Address 6275 Montarbor Drive	City Colorado Springs	State CO	Zip Code 80918
Telephone Number (include area code) (719) 641-7946		Email cttschamler@gmail.com / wjt@cowaterlaw.com	
2. AQUIFER Denver			
3. CLAIM OF OWNERSHIP – 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>19.39</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description). See attached - 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.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>9-18-2024</u> Print name and title: <u>W. James Tilton, Attorney</u>			

Exhibit A
4759-BD
Page 2 of 3

218044100 4/19/2018 12:29 PM
PGS 2 \$18.00 DF \$0.00
Electronically Recorded Official Records El Paso County CO
Chuck Broerman, Clerk and Recorder
TD1000 N

After recording, please return to:

Forbush Legal, PLLC
902 S. Weber Street
Colorado Springs, CO 80903

DOCUMENTARY TRANSFER TAX - \$0
\$0 - For no consideration - Transfer to Trust

Reserved for recording information

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Christine L. Tschamler of El Paso County, Colorado, (hereinafter "Grantor") intending this instrument to operate solely as to transfer to a trust for estate planning purposes, for no consideration, hereby transfers and conveys to the Chris Team Living Trust dated April 11, 2018, whose address is 6275 Montarbor Dr, Colorado Springs, CO 80918 (hereinafter "Grantee") all of Grantor's right, title and interest in and to the following real property located in El Paso County, State of Colorado described as:

**N2NW4NE4, EX PT TO CO BY BK 2636-733 SUBJ TO
R/W EASEMENT AS DES IN BK 2454-753 SEC 14-11-65**

commonly known as: **6275 Montarbor Dr, Colorado Springs, CO 80918**

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

TO HAVE AND TO HOLD the said premises above conveyed and described, with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for themselves, their heirs, and personal representatives, do covenant, grant, and agree to and with the Grantee, its heirs and assigns, that at the time of the signing and delivery of these presents, they are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to grant, bargain, sell and convey the same in a 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 general taxes for the current year and subsequent years, and except any easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The Grantor shall and will **WARRANT THE TITLE AND FOREVER DEFEND** the above-conveyed premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

Executed and delivered on April 11, 2018


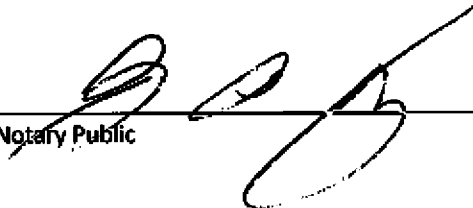

Christine L. Tschamler

Exhibit A
4759-BD
Page 3 of 3

STATE OF COLORADO)
) ss.
COUNTY OF El Paso)

This Warranty Deed was acknowledged before me on April 11, 2018 by Christine L. Tschamler as Grantor.



Notary Public

ANTHONY A. MEYERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114064163
MY COMMISSION EXPIRES 10/28/2019

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 Kiowa-Bijou Designated Groundwater Basin

Determination No.: 4758-BD

Aquifer: Arapahoe

Applicant: Chris Team Living Trust

In compliance with section 37-90-107(7) of the Colorado Revised Statutes (“C.R.S.”), and the Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1 (“Designated Basin Rules”), Chris Team Living Trust (“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 September 18, 2024.
2. The Applicant requests a determination of right to an allocation of designated groundwater (“Determination”) in the Arapahoe aquifer (“Aquifer”) underlying 19.39 acres, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (“Overlying Land”). According to a Nontributary Groundwater Landownership Statement dated September 18, 2024, attached hereto as Exhibit A, the Applicant owns the 19.39 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.

Determination No. 4758-BD
Aquifer: Arapahoe
Applicant: Chris Team Living Trust

Page 2

3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Groundwater Basin. 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 19.39 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), C.R.S., 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 19.39 acres of Overlying Land claimed by the Applicant is 890 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 270 feet.

Determination No. 4758-BD
Aquifer: Arapahoe
Applicant: Chris Team Living Trust

Page 3

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), C.R.S., 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 890 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), C.R.S., 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), C.R.S., 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), C.R.S. 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 Designated Basin Rules.
11. Large capacity well permits issued pursuant to section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.

Determination No. 4758-BD

Page 4

Aquifer: Arapahoe

Applicant: Chris Team Living Trust

- a. Pursuant to section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 890 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 8.9 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, C.R.S., 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.R.S.
 - 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 (0.1%) 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), C.R.S., 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

Determination No. 4758-BD
Aquifer: Arapahoe
Applicant: Chris Team Living Trust

Page 5

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. In accordance with sections 37-90-107(7)(c)(II), C.R.S. and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on November 28, 2024 and December 5, 2024. 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 Commission hereby determines a right to an allocation of designated groundwater in the Arapahoe Aquifer underlying 19.39 acres of land, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

15. The amount (i.e. volume) of water in the Aquifer underlying the 19.39 acres of Overlying Land allocated herein is 890 acre-feet ("Underlying Groundwater").
16. 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.

Determination No. 4758-BD
Aquifer: Arapahoe
Applicant: Chris Team Living Trust

Page 6

17. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), C.R.S., 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), C.R.S.
18. Well permits issued pursuant to section 37-90-107(7), C.R.S., (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 890 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, C.R.S. 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).

Determination No. 4758-BD
Aquifer: Arapahoe
Applicant: Chris Team Living Trust

Page 7

- 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 19.39 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.
- g. The wells must be located on the above described 19.39 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.

Determination No. 4758-BD

Page 8

Aquifer: Arapahoe

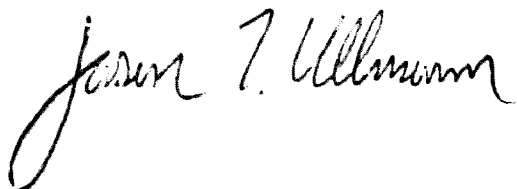
Applicant: Chris Team Living Trust

- 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 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.
19. 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 19.39 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
20. 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.

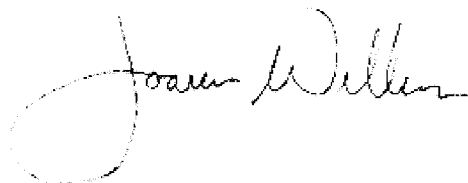
Determination No. 4758-BD
Aquifer: Arapahoe
Applicant: Chris Team Living Trust

Page 9

Dated this 10th day of February, 2025.

A handwritten signature in black ink, reading "Jason T. Ullmann". The signature is written in a cursive style with a large, looping initial 'J'.

Jason T. Ullmann, P.E.
Executive Director
Colorado Ground Water Commission

A handwritten signature in black ink, reading "Joanna Williams". The signature is written in a cursive style with a large, looping initial 'J'.

By: Joanna Williams, P.E.
Chief of Water Supply, Designated Basins

F&O4758-BD.docx

Prepared by: idc

Form no. **DIVISION OF WATER RESOURCES**
 GWS-1 **DEPARTMENT OF NATURAL RESOURCES**
 (7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**
(303) 866-3581, www.colorado.gov/water, dwrpermitsonline@state.co.us

Exhibit A
4758-BD
Page 1 of 3

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. See instructions on the reverse of this form. Type or print in black or blue ink.

1. APPLICANT INFORMATION			
Name of Applicant Chris Team Living Trust			
Mailing Address 6275 Montarbor Drive	City Colorado Springs	State CO	Zip Code 80918
Telephone Number (include area code) (719) 641-7946		Email cttschamler@gmail.com / wjt@cowaterlaw.com	
2. AQUIFER Arapahoe			
3. CLAIM OF OWNERSHIP – 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>19.39</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description). See Attached - 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.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>9-18-2024</u> Print name and title: <u>W. James Tilton, Attorney</u>			

Exhibit A
4758-BD
Page 2 of 3

218044100 4/19/2018 12:29 PM
PGS 2 \$18.00 DF \$0.00
Electronically Recorded Official Records El Paso County CO
Chuck Broerman, Clerk and Recorder
TD1000 N

After recording, please return to:

Forbush Legal, PLLC
902 S. Weber Street
Colorado Springs, CO 80903

DOCUMENTARY TRANSFER TAX - \$0
\$0 - For no consideration - Transfer to Trust

Reserved for recording information

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Christine L. Tschamler of El Paso County, Colorado, (hereinafter "Grantor") intending this instrument to operate solely as to transfer to a trust for estate planning purposes, for no consideration, hereby transfers and conveys to the Chris Team Living Trust dated April 11, 2018, whose address is 6275 Montarbor Dr, Colorado Springs, CO 80918 (hereinafter "Grantee") all of Grantor's right, title and interest in and to the following real property located in El Paso County, State of Colorado described as:

**N2NW4NE4, EX PT TO CO BY BK 2636-733 SUBJ TO
R/W EASEMENT AS DES IN BK 2454-753 SEC 14-11-65**


commonly known as: **6275 Montarbor Dr, Colorado Springs, CO 80918**

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

TO HAVE AND TO HOLD the said premises above conveyed and described, with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for themselves, their heirs, and personal representatives, do covenant, grant, and agree to and with the Grantee, its heirs and assigns, that at the time of the signing and delivery of these presents, they are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to grant, bargain, sell and convey the same in a 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 general taxes for the current year and subsequent years, and except any easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The Grantor shall and will **WARRANT THE TITLE AND FOREVER DEFEND** the above-conveyed premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

Executed and delivered on April 11, 2018


Christine L. Tschamler

ACKNOWLEDGEMENT ON FOLLOWING PAGE

Exhibit A
4758-BD
Page 3 of 3

STATE OF COLORADO

)
) ss.
)

COUNTY OF El Paso

This Warranty Deed was acknowledged before me on April 11, 2018 by Christine L. Tschamler as Grantor.


Notary Public

ANTHONY A. LAYERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114064163
MY COMMISSION EXPIRES 10/28/2019

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 Kiowa-Bijou Designated Groundwater Basin

Determination No.: 4757-BD

Aquifer: Laramie-Fox Hills

Applicant: Chris Team Living Trust

In compliance with section 37-90-107(7) of the Colorado Revised Statutes (“C.R.S.”), and the Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1 (“Designated Basin Rules”), Chris Team Living Trust (“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 September 18, 2024.
2. The Applicant requests a determination of right to an allocation of designated groundwater (“Determination”) in the Laramie-Fox Hills aquifer (“Aquifer”) underlying 19.39 acres, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (“Overlying Land”). According to a Nontributary Groundwater Landownership Statement dated September 18, 2024, attached hereto as Exhibit A, the Applicant owns the 19.39 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.

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 2

3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Groundwater Basin. 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 19.39 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), C.R.S., 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 19.39 acres of Overlying Land claimed by the Applicant is 553 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 190 feet.

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 3

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), C.R.S., 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 553 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), C.R.S., 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), C.R.S., 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), C.R.S. 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 Designated Basin Rules.
11. Large capacity well permits issued pursuant to section 37-90-107(7), C.R.S. are subject to the following provisions of statute and the Designated Basin Rules.

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 4

- a. Pursuant to section 37-90-107(7)(a), C.R.S. well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 553 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 5.53 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, C.R.S., 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.R.S.
 - 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 (0.1%) 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), C.R.S., 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

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 5

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. In accordance with sections 37-90-107(7)(c)(II), C.R.S. and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on November 28, 2024 and December 5, 2024. 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 Commission hereby determines a right to an allocation of designated groundwater in the Laramie-Fox Hills Aquifer underlying 19.39 acres of land, generally described as the N1/2 of the NW1/4 of the NE1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

15. The amount (i.e. volume) of water in the Aquifer underlying the 19.39 acres of Overlying Land allocated herein is 553 acre-feet ("Underlying Groundwater").
16. 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.

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 6

17. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), C.R.S., 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), C.R.S.
18. Well permits issued pursuant to section 37-90-107(7), C.R.S., (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 553 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, C.R.S. 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).

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 7

- 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; livestock; domestic animals; irrigation (indoor and outdoor); recreation; fire suppression; wildlife; and replacement either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 19.39 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.
- g. The wells must be located on the above described 19.39 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.

Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

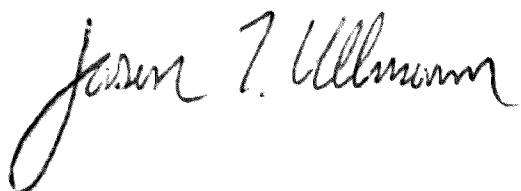
Page 8

- 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 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.
19. 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 19.39 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
20. 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.

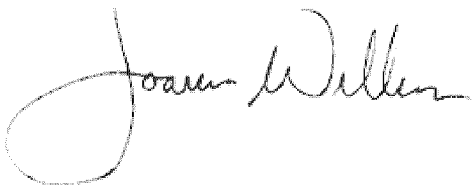
Determination No. 4757-BD
Aquifer: Laramie-Fox Hills
Applicant: Chris Team Living Trust

Page 9

Dated this 10th day of February, 2025.

A handwritten signature in black ink that reads "Jason T. Ullmann". The signature is written in a cursive style with a large, looping 'J' and a trailing 'm'.

Jason T. Ullmann, P.E.
Executive Director
Colorado Ground Water Commission

A handwritten signature in black ink that reads "Joanna Williams". The signature is written in a cursive style with a large, looping 'J' and a trailing 's'.

By: Joanna Williams, P.E.
Chief of Water Supply, Designated Basins

F&O4757-BD.docx

Prepared by: idc

Form no. **DIVISION OF WATER RESOURCES**
 GWS-1 **DEPARTMENT OF NATURAL RESOURCES**
 (7/2023) **1313 Sherman St, Room 821, Denver, CO 80203**
(303) 866-3581, www.colorado.gov/water, dwrpermitsonline@state.co.us

Exhibit A
 4757-BD
 Page 1 of 3

NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

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

1. APPLICANT INFORMATION			
Name of Applicant Chris Team Living Trust			
Mailing Address 6275 Montarbor Drive	City Colorado Springs	State CO	Zip Code 80918
Telephone Number (include area code) (719) 641-7946		Email cttschamler@gmail.com / wjt@cowaterlaw.com	
2. AQUIFER Laramie-Fox Hills			
3. CLAIM OF OWNERSHIP – 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>19.39</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description). See Attached - 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.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature: <u>W. James Tilton</u> Date: <u>9-18-2024</u> Print name and title: <u>W. James Tilton, Attorney</u>			

Exhibit A
4757-BD
Page 2 of 3

218044100 4/19/2018 12:29 PM
PGS 2 \$18.00 DF \$0.00
Electronically Recorded Official Records El Paso County CO
Chuck Broerman, Clerk and Recorder
TD1000 N

After recording, please return to:

Forbush Legal, PLLC
902 S. Weber Street
Colorado Springs, CO 80903

DOCUMENTARY TRANSFER TAX - \$0
\$0 - For no consideration - Transfer to Trust

Reserved for recording information

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Christine L. Tschamler of El Paso County, Colorado, (hereinafter "Grantor") intending this instrument to operate solely as to transfer to a trust for estate planning purposes, for no consideration, hereby transfers and conveys to the Chris Team Living Trust dated April 11, 2018, whose address is 6275 Montarbor Dr, Colorado Springs, CO 80918 (hereinafter "Grantee") all of Grantor's right, title and interest in and to the following real property located in El Paso County, State of Colorado described as:

**N2NW4NE4, EX PT TO CO BY BK 2636-733 SUBJ TO
R/W EASEMENT AS DES IN BK 2454-753 SEC 14-11-65**

commonly known as: **6275 Montarbor Dr, Colorado Springs, CO 80918**

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

TO HAVE AND TO HOLD the said premises above conveyed and described, with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for themselves, their heirs, and personal representatives, do covenant, grant, and agree to and with the Grantee, its heirs and assigns, that at the time of the signing and delivery of these presents, they are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to grant, bargain, sell and convey the same in a 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 general taxes for the current year and subsequent years, and except any easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The Grantor shall and will **WARRANT THE TITLE AND FOREVER DEFEND** the above-conveyed premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

Executed and delivered on April 11, 2018


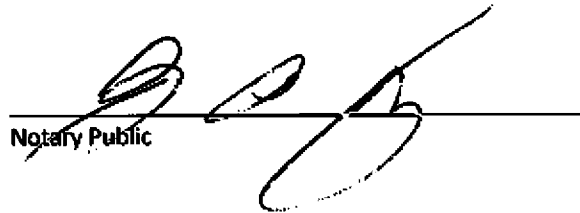

Christine L. Tschamler

Exhibit A
4757-BD
Page 3 of 3

STATE OF COLORADO)
) ss.
COUNTY OF El Paso)

This Warranty Deed was acknowledged before me on April 11, 2018 by Christine L. Tschamler as Grantor.


Notary Public

