

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

APPLICANT: ALICE JOLENE OWENS

AQUIFER: DAWSON

DETERMINATION NO.: **1588-BD**

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

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on March 11, 2008.
2. The applicant requests a determination of rights to designated ground water in the Dawson Aquifer (hereinafter "aquifer") underlying 74.5 acres, generally described as part of the W1/2 of the NW1/4 of Section 13, Township 11 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated March 12, 2008, the applicant owns the 74.5 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Kiowa Bijou Designated Ground Water Basin. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, stock watering, irrigation, commercial and replacement. The applicant's proposed place of use of the allocated ground water is the above described 74.5 acre land area.
6. The quantity of water in the aquifer underlying the 74.5 acres of land claimed by the applicant is 2235 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 20 percent.

- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 150 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
 8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 74.5 acres of overlying land claimed by the applicant is 22.4 acre-feet.
 9. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the maximum average annual amount of ground water available for allocation from the aquifer underlying the 74.5 acres of land claimed by the applicant is reduced to 19.4 acre-feet to allow for the annual withdrawal of a small capacity well which is completed in the aquifer, permit number 260301. Except for this well, review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
 10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
 11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
 12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Withdrawal of water from the aquifer underlying the claimed land area would impact the alluvial aquifer of Bijou Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan - pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules - providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this land area to withdraw the allocated ground water from the aquifer.
 13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.

14. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
15. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on April 3 and April 10, 2008.
16. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
17. In order to prevent unreasonable impairment to the existing water rights of others within the Kiowa Bijou Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Dawson Aquifer underlying 74.5 acres of land, generally described as part of the W1/2 of the NW1/4 of Section 13, Township 11 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

18. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 19.4 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
19. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
20. 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.
21. Commission approval of a replacement plan, providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to be located on the overlying land area to withdraw ground water from the aquifer.

22. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, stock watering, irrigation, commercial and replacement. The place of use shall be limited to the above described 74.5 acre land area.
23. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 74.5 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
24. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 74.5 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Dawson Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission upon their request.
 - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.
26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above described 74.5 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Applicant: Owens, Alice Jolene
Aquifer: Dawson
Determination No.: 1588-BD

Dated this 20th day of May, 2008.



Dick Wolfe, P.E.
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst

Keith Vander Horst, P.E.
Water Resource Engineer

Prepared by: MAP

F&O1588-BD

GWS 1
03/2005

EXHIBIT A

1588-BD

Page 1 of 4

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

RECEIVED

MAR 11 2008

WATER RESOURCES
STATE ENGINEER
COLORADO

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (We) Alice Solene Owens
(Name(s))

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

(Insert the property legal description)

TR IN W2NW4 SEC 13-11-64

(Refer to attachment)

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

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

Alice Solene Owens 3/12/08
Signature Date

Signature Date

INSTRUCTIONS:

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

ASSESSOR PROPERTY APPRAISAL INFORMATION EL PASO COUNTY

RECEIVED

APR 09 2008

Parcel No: 41000-00-306

Master Parcel No: 41000-00-106
LAND RESOURCES
STATE ENGINEER
COLO.

Owner: OWENS ALICE J
PO BOX 322
PEYTON, CO

80831-0322

EXHIBIT A

1588-BD

Page 2 of 4

Location: RED BARN RD

Legal Description: TR IN W2NW4 SEC 13-11-64 DESC AS FOLS; COM AT NW COR OF SD SEC 13; TH S 89<02'04'' E 300.00 FT TO POB; TH S 00<39'33'' W 435.60 FT, N 89<02'04'' W 300.00 FT, S 00<39'33'' W 2202.71 FT TO W4 COR OF SD SEC 13, ELY ALG E/W C/L 1286.16 FT M/L TO SE COR OF SD W2NW4, NLY 2631.43 FT M/L ALG ELY LN OF SD W2NW4 TO NE COR THEREOF, TH WLY 977.34 FT M/L ALG N SEC LN TO POB

<u>Txd</u>	<u>Levy</u>	<u>Neighborhood</u>	<u>Plat</u>	<u>Create Date</u>
MBM	51.976	95	0	05/02/1996

	<u>Use Code</u>	<u>Area</u>	<u>Assessed Value</u>	<u>Market Value</u>	<u>Appraisal Date</u>
Land:	85	74.50AC	790	2741	3/07
Totals:			790	2741	

<u>Sales:</u>	<u>Date</u>	<u>Sale Price</u>	<u>Doc Fee</u>	<u>Reception #</u>	<u>Sale Code</u>	<u># Parcels</u>
	08/15/1996		0.00	96103570		0

<u>Taxing Entities</u>	<u>Mill Rate</u>
EL PASO COUNTY	7.514
PEYTON SCHOOL NO. 23	35.000
PIKES PEAK LIBRARY	3.325
PEYTON FIRE DISTRICT	6.137
KIOWA CONSERVATION DISTRICT	
2007 Tax Rate:	51.976 mills

Mark Lowderman
Assessor, El Paso County

Please note that appraisal records are subject to change without notification.

Printed: 04/01/2008 By: AMIDEI

This is a 5 acre parcel with no existing well.
This 5 acres is included in the 74.50 acreage amount.

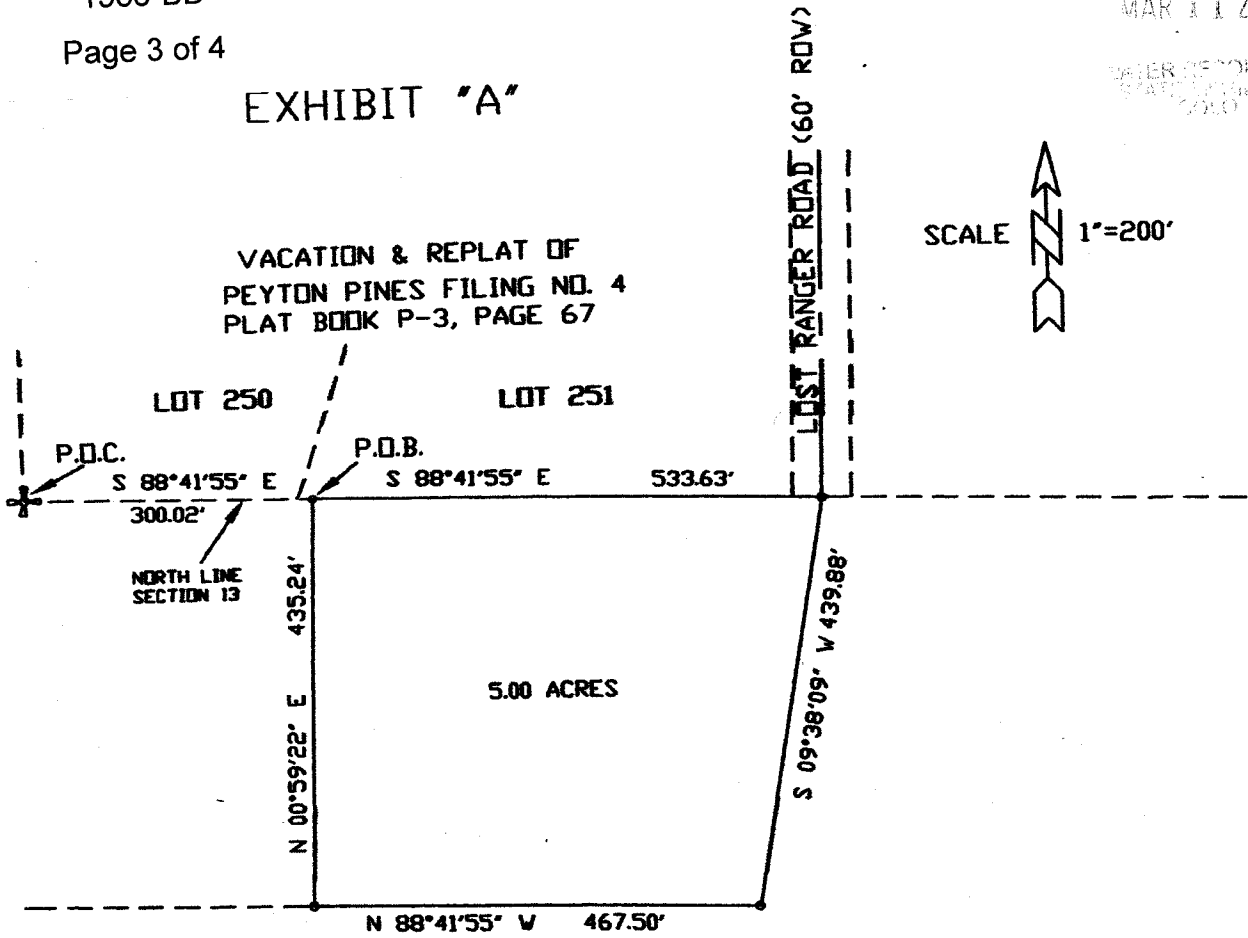
EXHIBIT A

1588-BD

Page 3 of 4

EXHIBIT "A"

VACATION & REPLAT OF
PEYTON PINES FILING NO. 4
PLAT BOOK P-3, PAGE 67



RECEIVED

MAR 11 2008

WATER RESOURCES
STATE ENGINEER
2010



4575 GALLEY ROAD SUITE 200
COLORADO SPRINGS COLORADO
(719) 597-9900 80915

PROJECT DATE DRAWN
05-0102 1-26-05 J.L.K.

**UNITED
PLANNING &
ENGINEERING**

planners • consultants • engineers • landscape architects • surveyors

(719) 597-9900 FAX (719) 597-9905

RECEIVED

MAR 11 2008

WATER RESOURCES
STATE ENGINEER
OFFICE

JANUARY 25, 2005

EXHIBIT A

1588-BD

Page 4 of 4

LEGAL DESCRIPTION:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S 88°41'55" E ALONG THE NORTH LINE OF SAID SECTION 13, 300.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE, S 88°41'55" E, 533.63 FEET; THENCE S 09°38'09" W, 439.88 FEET; THENCE N 88°41'55" W PARALLEL TO SAID NORTH LINE, 467.50 FEET; THENCE N 00°59'22" E, 435.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.000 ACRES MORE OR LESS. (SEE EXHIBIT "A")

37
34

COLORADO GROUND WATER COMMISSION
DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 Sherman St, Room 818, Denver, CO 80203

RECEIVED

MAR 11 2008

**APPLICATION FOR DETERMINATION OF WATER RIGHT
WITHIN A DESIGNATED GROUND WATER BASIN
PURSUANT TO SECTION 37-90-107(7), C.R.S.**

WATER RESOURCES
STATE ENGINEER
COLORADO

Please note: This application may only be used to apply for a determination of rights to ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer underlying land areas located within a Designated Ground Water Basin. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Ground Water Commission with a non-refundable \$60 filing fee. A separate form must be used for each aquifer determination. Type or print in black ink.

1. APPLICANT INFORMATION	
Name of Applicant <i>Alice Solene Owens</i>	
Applicant Mailing Address <i>18430 Lost Ranger Rd. Peyton, Co. 80831</i>	
Applicant Telephone Number (include area code) <i>719-596-7447</i>	
2. AMOUNT OF OVERLYING LAND - the total land area claimed and described by the applicant in Item #8 below, consisting of <i>74.50 AC</i> acres.	3. AQUIFER <i>Dawson</i>
4. EXISTING WELLS - Are there any wells located on the claimed and described overlying land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, provide a complete list of all wells located on the overlying land area as an attachment to this application.	
5. ANNUAL AMOUNT OF GROUND WATER - to be withdrawn, for intended beneficial uses, from the aquifer underlying the described land area claimed by the applicant in Item #8 below. Please specify one of the following: <input checked="" type="checkbox"/> Maximum allowable annual acre-feet <input type="checkbox"/> _____ acre-feet annually <input type="checkbox"/> Maximum allowable annual acre-feet, excluding _____ acre-feet from that amount	
6. USE OF GROUND WATER - description of intended beneficial uses of the ground water to be withdrawn from the aquifer <i>Domestic, stock watering, irrigation, commercial and replacement supply. Also, allocating and reserving 2 acre feet annually for existing well.</i>	
7. PLACE OF USE - of the ground water shall be considered to be that overlying land area claimed and described by the applicant in Item #8 below, unless a legal description or accurate scale map is provided which describes an alternate/additional place of use.	
8. REQUIRED LANDOWNERSHIP DOCUMENTATION - The Ground Water Commission shall allocate ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer on the basis of ownership of overlying land. For this reason, a Nontributary Ground Water Landownership Statement (form GWS-1) or Nontributary Ground Water Consent Claim (form GWS-48), including a description of the overlying land area subject to this determination, must be submitted as an attachment to the application.	
9. SIGNATURE OF APPLICANT - must be original signature - 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 <i>Alice Solene Owens</i>	Date <i>3/12/08</i>
- print name and title <i>Alice Solene Owens</i>	

FOR OFFICE USE ONLY	
Trans Number: 3626756 3/11/2008 2:30:28 PM James Martin (19) Total Trans Amt: \$60.00 CHECK Check Number: 12970 Check Amount: \$60.00	
DIV <i>8</i> CO <i>WD</i> 1 BASIN <i>2</i> MD	Form GWS-53 (6/2006)

**DETERMINATION OF WATER RIGHT EVALUATION SHEET
SECTION 37-90-107(7)**

APPLICANT: **Owens, Alice Jolene**
BASIN: Kiowa-Bijou GWMD: None
COUNTY: El Paso
AQUIFER: **Dawson** RECEIPT NO. 3626757
NUMBER OF ACRES IN TRACT: 74.5
GENERAL LOCATION: W1/2 of the NW1/4 of Section 13, T11S, R64W

AQUIFER DATA

AMOUNT AVAILABLE FOR APPROPRIATION: (150 SS)(74.5 Acres)(0.2 SY) = 2235 AF = 22.4 AFyr
ADJUSTMENTS: -3 AF/yr for small capacity well
ANNUAL AMOUNT: **19.4 AFyr**

PRE.NOV.19, 1973 WELLS (COMPLETED IN AQUIFER) IN VICINITY:

AREA CHECKED: Sections 11, 12, 13, 14, 23, 24 in T11S, R64W
Sections 7, 18, 19 in T11S, R63W

SMALL-CAPACITY WELLS (COMPLETED IN AQUIFER) LOCATED ON CLAIMED TRACT: 1

Permit No. 260301 – Domestic well screened from 275 to 355 feet in the Dawson aquifer (485 to 565 feet bgs). Location NW1/4 of the NW1/4 of Section 13, T11S, R64W. Permitted for a maximum annual withdrawal of 3 AF/yr.

REPLACEMENT WATER STATUS OF CLAIMED LAND AREA: **Not-nontributary (actual impact replacement)**

REPLACEMENT PLAN REQUIRED: **Yes**

AQUIFER INTERVAL (CENTRAL DATA POINT): 210 to 790 bgs

COMMENTS: The SS was considered to be 150 feet based on the static water level and depth to the base of the aquifer at the location of a small-capacity well located on the property, Permit No. 260301.

SS = (Base – SWL)/2
SS = (775 ft -475 ft) /2 = 150 ft

Evaluated by MAP, 3/26/2008
Reviewed by SKR, Ground Water Commission Staff

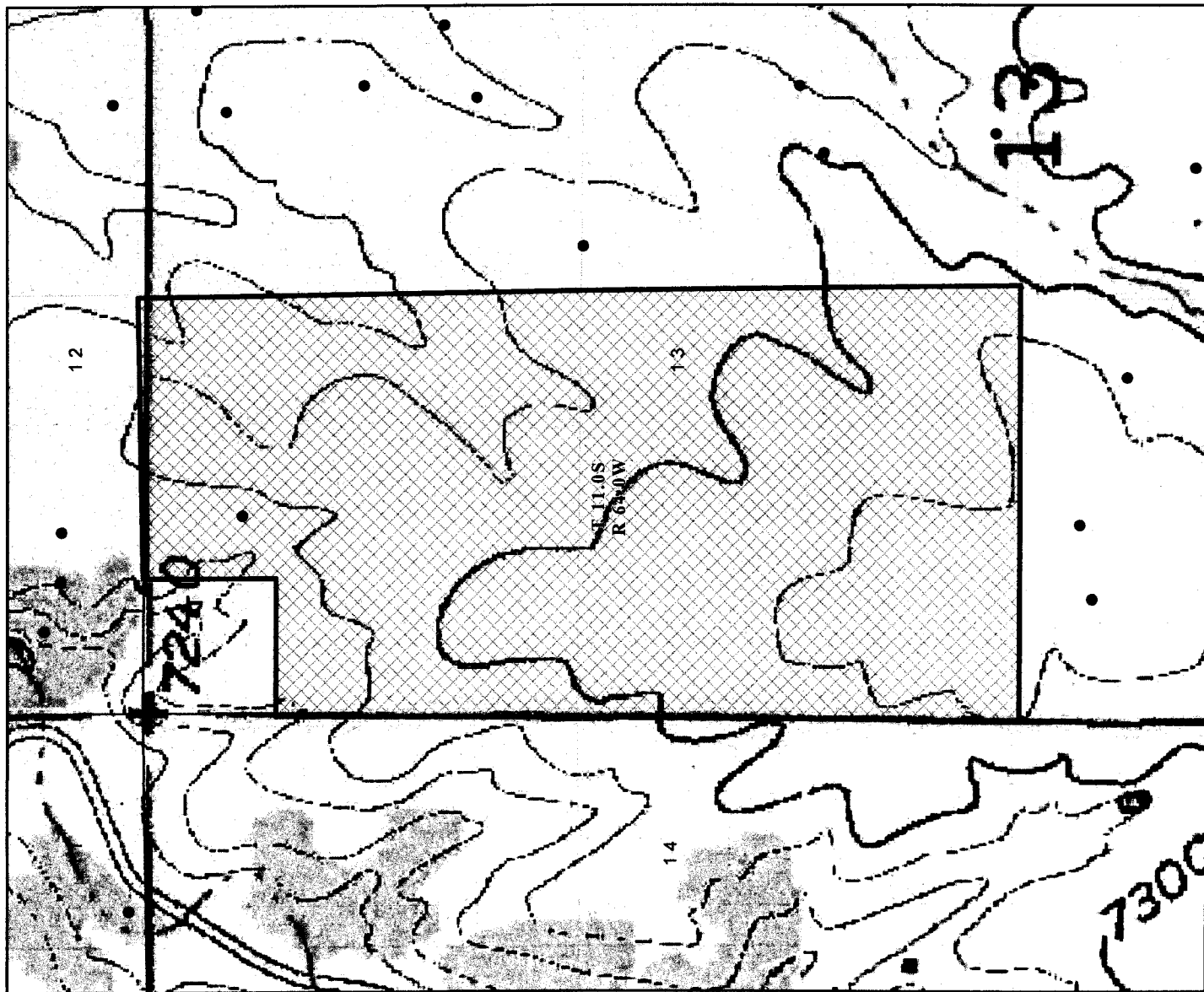
COLORADO DIVISION OF
WATER RESOURCES

BASIN: Kiowa Bijou

Wells

Alice Jolene Owens
Section 13
Township 11 South
Range 64 West

El Paso County
Area claimed: 74.5 acres



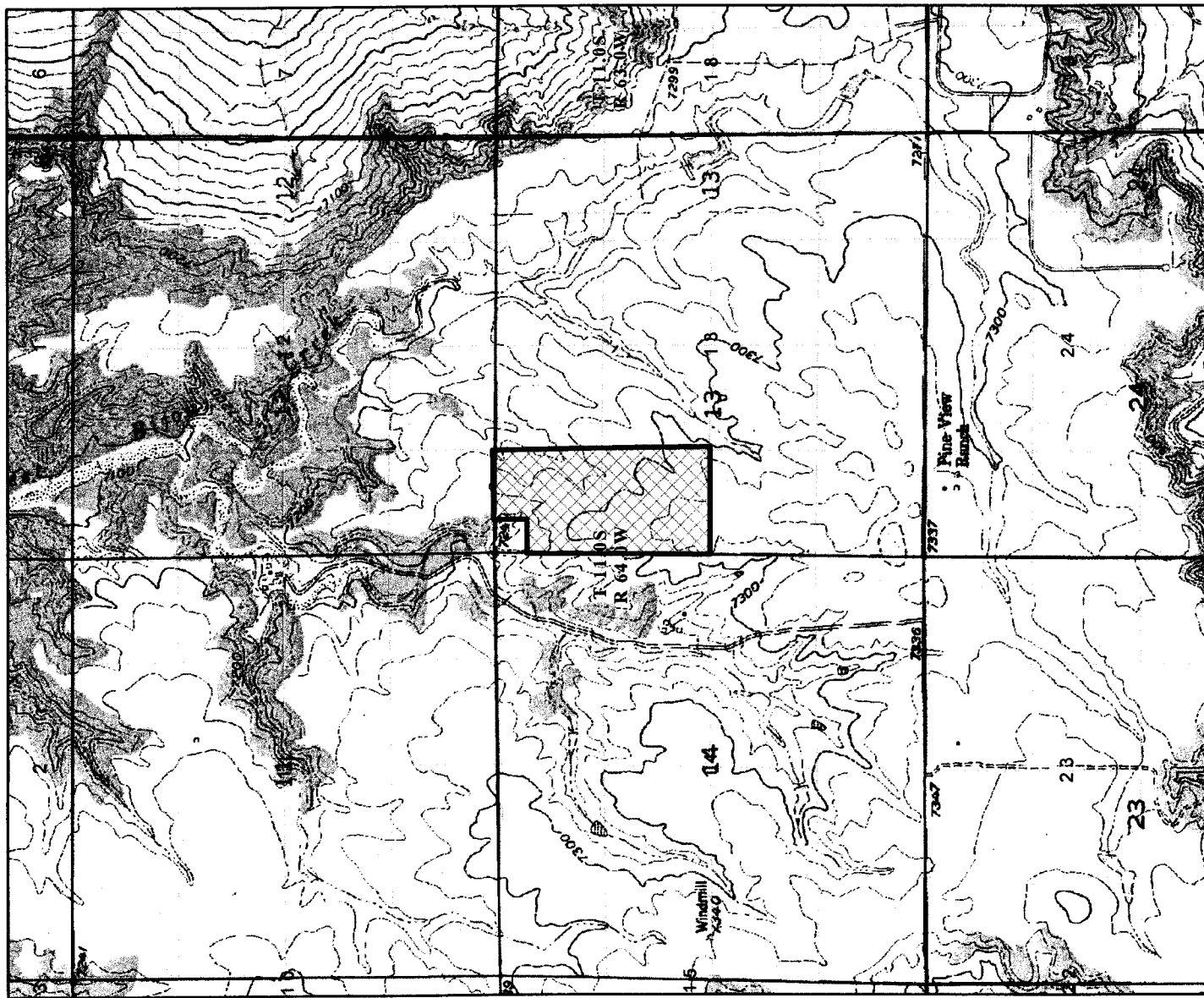
COLORADO DIVISION OF WATER RESOURCES

BASIN: Kiowa Bijou

Property Location

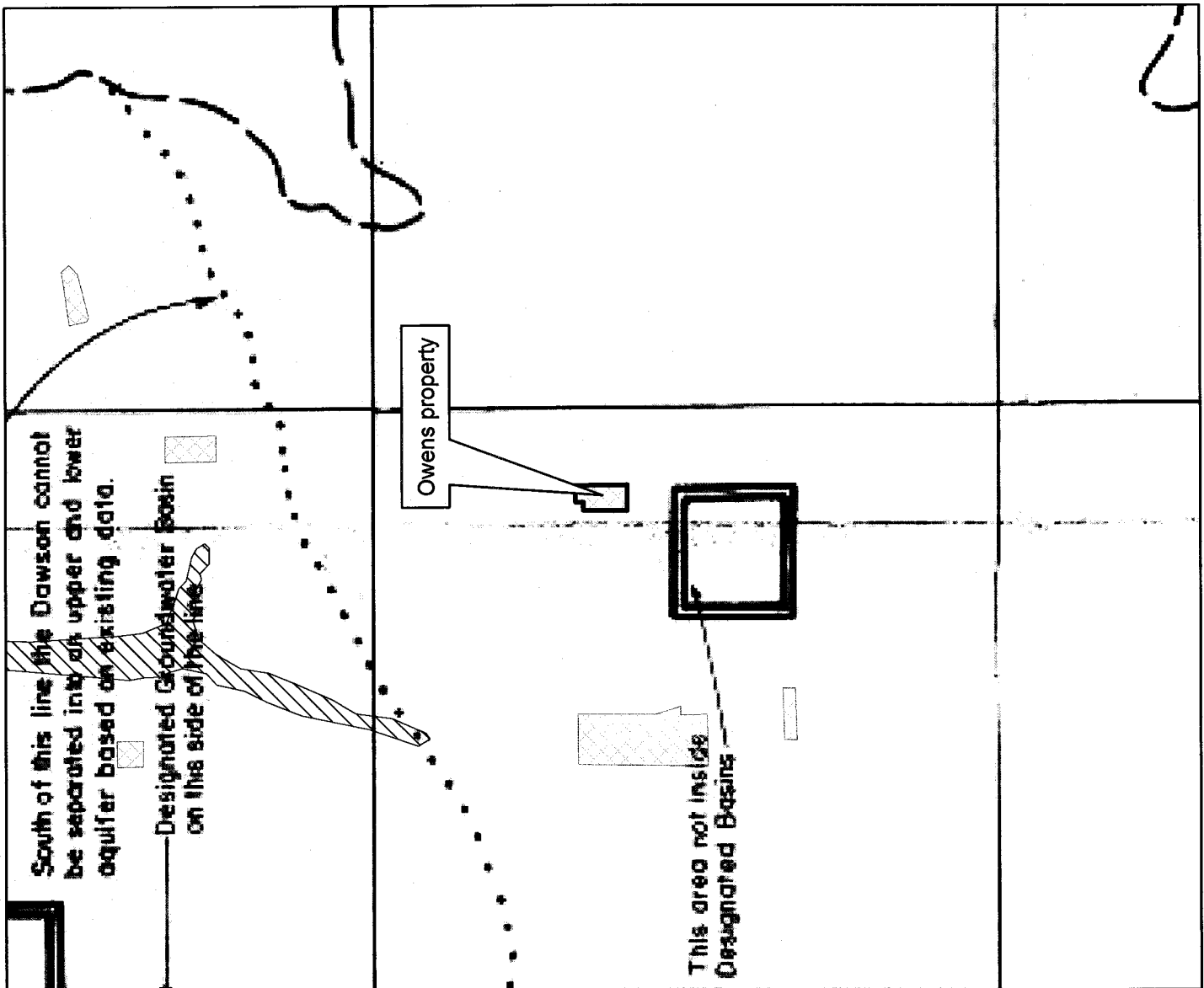
Alice Jolene Owens
Section 13
Township 11 South
Range 64 West

El Paso County
Area claimed: 74.5 acres



COLORADO DIVISION OF
WATER RESOURCES

BASIN: Kiowa Bijou
Tributary map
Upper Dawson aquifer
Alice Jolene Owens
Section 13
Township 11 South
Range 64 West
El Paso County
Area claimed: 74.5 acres
NNT AIR



COLORADO DIVISION OF WATER RESOURCES

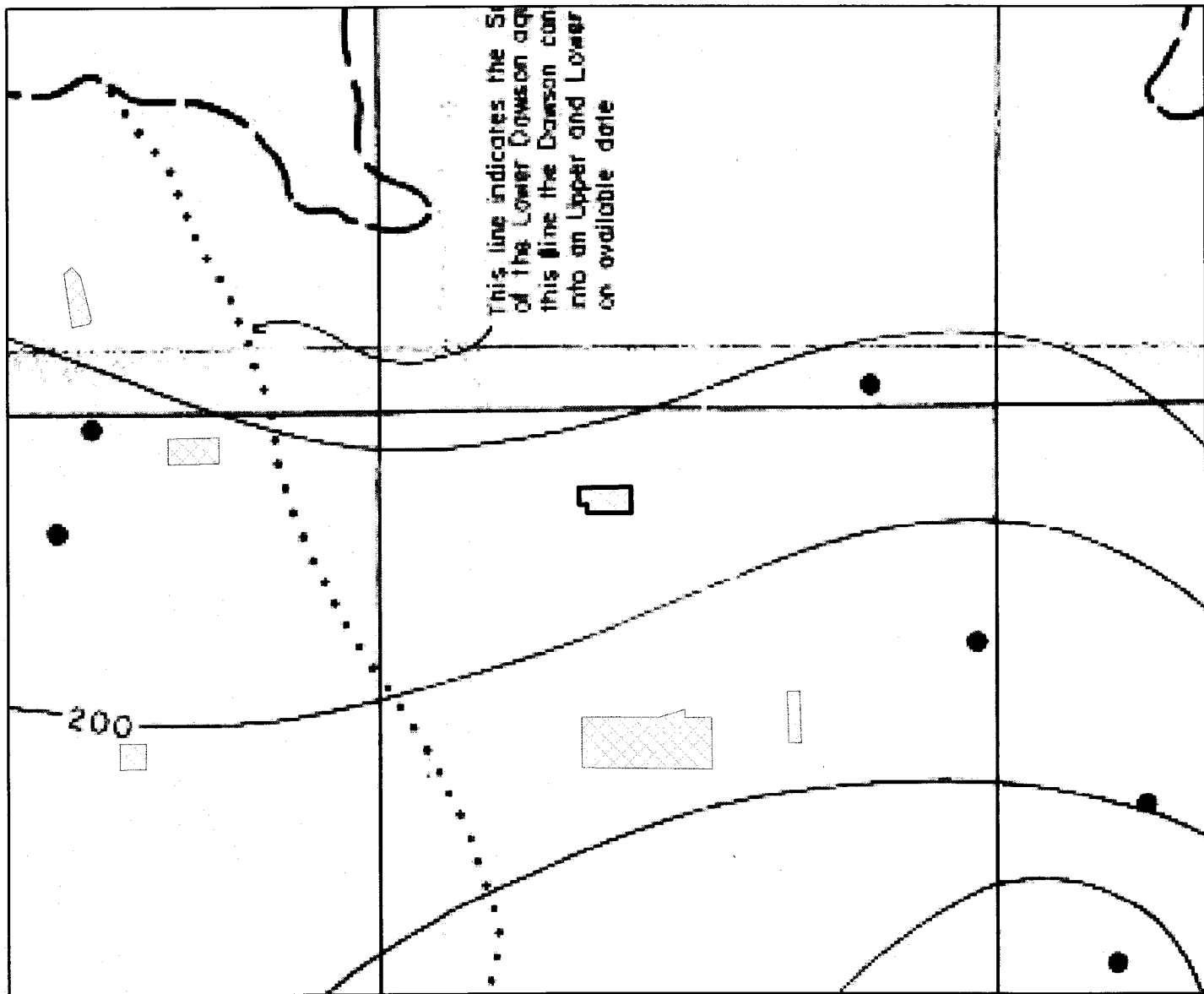
BASIN: Kiowa Bijou

Saturated Sands map
Upper Dawson aquifer

Alice Jolene Owens
Section 13
Township 11 South
Range 64 West

El Paso County
Area claimed: 74.5 acres

NNT AIR



FORM NO.
GWS-31
10/94

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
1313 Sherman St., Rm 818, Denver, CO 80203

For Office Use only

RECEIVED

JAN 27 2005

WATER RESOURCES
STATE ENGINEER
COLO.

1. WELL PERMIT NUMBER 260301

2. OWNER NAME(S) Alice Jolene Owens
Mailing Address Box 322
City, St. Zip Peyton Co 80831
Phone (719) 598-7661

3. WELL LOCATION AS DRILLED: NW 1/4 NW 1/4, Sec. 13 Twp. 11 S, Range 64 W
DISTANCES FROM SEC. LINES:
300 ft. from North Sec. line. and 600 ft. from West Sec. line. OR
(north or south) (east or west)
SUBDIVISION: LOT BLOCK FILING(UNIT)
STREET ADDRESS AT WELL LOCATION: 18430 Lost Ranger Road

4. GROUND SURFACE ELEVATION _____ ft. DRILLING METHOD Rotary Air
DATE COMPLETED Jan 21 2005 TOTAL DEPTH 565 ft. DEPTH COMPLETED 565 ft.

5. GEOLOGIC LOG:

Depth	Description of Material (Type, Size, Color, Water Location)
0-2	Top Soil
2-29	Sand & Rocks
29-51	Sand & Clay
51-73	Clay
73-121	Sand & Gravel
121-125	Clay
125-143	Sand & Clay Mix
143-164	Sand
164-170	Gray Clay
170-303	Sand
303-308	Clay
308-447	Sand
447-462	Grey Clay
462-565	Sand

REMARKS: _____

6. HOLE DIAM. (in.) From (ft) To (ft)

From (ft)	To (ft)	Hole Diam. (in.)
0	41	6 3/8
41	565	4 1/2

7. PLAIN CASING

OD (in)	Kind	Wall Size	From (ft)	To (ft)
7	Steel	188	+1	41
4 1/2	pvc	1/4	10	485

PERF. CASING: Screen Slot Size: 30th

From (ft)	To (ft)	Screen Slot Size
4 1/2	485	30th

8. FILTER PACK:
Material Gravel
Size 1/4
Interval 73-565

9. PACKER PLACEMENT:
Type _____
Depth _____

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placement
Cement	7 Sk	49 Gal	10-73	Premmie

11. DISINFECTION: Type HTH Amt. Used 1/2 Cup

12. WELL TEST DATA: Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.
TESTING METHOD Aired and Bailed
Static Level 475 ft. Date/Time measured Jan 21 2005, Production Rate 10 gpm.
Pumping level 530 ft. Date/Time measured Jan 21 2005, Test length (hrs.) 4
Remarks _____

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR Hamacher Well Works Inc Phone (719) 541-2460 Lic. No. 71
Mailing Address Box 86 Simla Co 80835

Name/Title (Please type or print)
T.R. Hamacher

Signature
J. R. Hamacher

Date
Jan 25 2005

Form No. ,
GWS-25

**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 260301
DIV. 8 WD 1 DES. BASIN 2 MD

APPLICANT

ALICE JOLENE OWENS
P O BOX 322
PEYTON, CO 80831-

(719) 598-7661

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 NW 1/4 Section 13
Township 11 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

300 Ft. from North Section Line
600 Ft. from West Section Line

UTM COORDINATES (NAD83)

Easting: Northing:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-105.
- 4) Water from this well may be used for domestic purposes inside 1 single family dwelling(s), and the watering of the owner's own large non-commercial domestic animals.
- 5) The pumping rate of this well shall not exceed 15 GPM.
- 6) The annual withdrawal of ground water from this well shall not exceed 3 acre-feet.
- 7) The irrigated area shall not exceed 1 acre of lawn and garden.
- 8) Water from this well may be used for the watering of livestock on range and pasture.
- 9) The total depth of the well shall not exceed 775 feet, which corresponds to the base of the Dawson aquifer. At a minimum, plain casing shall be installed and grouted through all unconsolidated materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.
- 10) This well must be constructed within 300 feet of the location specified on this permit.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTICE: This permit has been approved with a change to the permit application form from that applied for by the applicant. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

APPROVED
SMJ

He S. Simon
State Engineer

Sandy Johnson
By

Receipt No. 0531706

DATE ISSUED 11-08-2004

EXPIRATION DATE 11-08-2006

PUBLISHER'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

I, Susan Lister, do solemnly affirm that I am the Publisher of RANGLAND NEWS; that the same is a weekly newspaper published at Simla, County of Elbert, State of Colorado, and has a general circulation therein; that said newspaper has been continuously and uninterruptedly published in said County of Elbert for a period of at least 52 consecutive weeks next prior to the first publication of the annexed notice, that said newspaper is entered in the post office at Calhan, Colorado as second class mail matter and that said newspaper is a newspaper within the meaning of the Act of the General Assembly of the State of Colorado, approved March 30, 1923, and entitled "Legal Notices and Advertisements," with other Acts relating to the printing and publishing of legal notices and advertisements. That the annexed notice was published in the regular and entire issue of said newspaper, once each week for two successive weeks; that the first publication of said notice was in the issue of said newspaper dated:

April 3, 2008

and the last publication of said notice was in the issue of said newspaper dated:

April 10, 2008

and that copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, Ranchland News, according to the accustomed mode of business in this office.

Susan Lister
Publisher

The above certificate of publication was subscribed and affirmed to before me, a Notary Public, to be the identical person described in the above certificate, on the

10 day of April, 2008
Susan Lister
Notary Public

1/22/12
(My Notary Public Commission Expiration Date)

**Determinations of Water
Right
BEFORE THE COLORADO GROUND
WATER COMMISSION**

KIOWA BIQU DESIGNATED GROUND
WATER BASIN- EL PASO COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Alice J. Owens (hereinafter "applicant") has applied for determinations of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers underlying 74.5 acres generally described as W1/2 of the NW1/4 of Section 13, Township 11 South, Range 64 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above-described aquifers under this property. The ground water allocations from these aquifers will be used on the described property for the following beneficial uses: domestic, stock watering, irrigation, commercial and replacement. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be allocated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above-described aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for allocation from each of the described aquifers underlying the above-described property to be as follows: 24.6 acre-feet for the Laramie-Fox Hills, 29.1 acre-feet for the Arapahoe, 38.0 acre-feet for the Denver, and 18.6 acre-feet for the Dawson, subject to final staff evaluation. The estimated available annual acre-feet allocation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data. The amount for the Dawson aquifer represents a reduction in the initial annual amount determined to be available to allow for the annual withdrawal of a small-capacity well located on the described property area, permit no. 260301.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the above aquifers underlying the above-described property to be as follows: nontributary for the Laramie-Fox Hills, nontributary for the Arapahoe, nontributary for the Denver, and non-tributary (actual impact replacement) for the Dawson.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed allocation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 74.5 acre property.

Any person wishing to object to the approval of these determinations of water right must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by May 12, 2008.

First Publication April 3, 2008
Final Publication April 10, 2008
In Ranchland News
Legal No. 12,842

RECEIVED

APR 11 2008

WATER RESOURCES
STATE ENGINEER
COLO



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

May 20, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Alice Jolene Owens
18430 Lost Ranger Road
Peyton, CO 80831

RE: Determination of Water Right

Dear Ms. Owens:

Enclosed are 2 copies of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. **1588-BD**, for the allocation of ground water in the **Dawson** aquifer. This Findings and Order is the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

As indicated in the Order, a copy of this determination must be recorded by the applicant in the public records of the county – in which the overlying land is located – so that a title examination of the overlying land claimed in the application, or any part thereof, shall reveal this determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Melissa A. Peterson, P.E.
Water Resources Engineer
Designated Basins Team

enclosures: a/s

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

www.water.state.co.us