

**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.

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REPLACEMENT PLAN NO. 2: 3637-RP

FOR DETERMINATION OF WATER RIGHT NO. 3637-BD

AQUIFER: DAWSON

APPLICANT: WILLIAM RAPSON

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In compliance with section 37-90-107.5, C.R.S. and the Designated Basin Rules, 2 CCR 410-1 (Rules or Rule), William Rapson (Applicant) submitted an application to replace the previously approved Carefree Properties, LLC replacement plan that allowed the withdrawal of groundwater from the Dawson Aquifer that has been allocated by Determination of Water Right No. 3637-BD.

**FINDINGS**

1. Pursuant to section 37-90-107.5, in a Findings and Order dated January 31, 2019, the Ground Water Commission (Commission) approved a Replacement Plan that allowed the withdrawal of 3.0 acre-feet per year of Dawson aquifer (Aquifer) groundwater allocated by Determination of Water Right No. 3637-BD. This replacement plan application submitted by the Applicant seeks to replace in its entirety the previously approved replacement plan.
2. Pursuant to section 37-90-107(7), C.R.S., in a Findings and Order dated January 31, 2019, the Commission approved a Determination of a Right to an Allocation of Groundwater, No. 3637-BD, from the Dawson Aquifer, summarized as follows.
  - a. The determination quantified an amount of water from beneath 19.6 acres of overlying land generally described as a portion of the W 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (Overlying Land).
  - b. The amount of water in the aquifer that was allocated was 1,670 acre-feet, and the allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 16.7 acre-feet per year (subject to adjustment by the Commission to conform to actual local aquifer characteristics).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, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock, and replacement.
  - 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.



Aquifer: Dawson

Applicant: William Rapson

3. 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).
4. Withdrawal of the subject groundwater would deplete the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, all of which, according to Rules 5.2.4.2, 5.2.7.2 and 5.2.6.2, respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing large capacity alluvial rights withdrawing water from those alluvial aquifers.
5. 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.
6. 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.
7. The application for the replacement plan was received by the Commission on July 16, 2020.
8. The Applicant proposes to divert 3.0 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through two wells to be located on two residential lots. The Dawson aquifer water will be used to serve at least one single-family dwelling, irrigation of landscape/lawn and garden, replacement, and watering of domestic animals and livestock. The land on which the wells will be located is the 19.6 acres of Overlying Land described above.
9. At a continuous withdrawal of 3.0 acre-feet annually for 300 years, depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Groundwater Basin, Upper Big Sandy Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Basin would steadily increase to 0.104 acre-feet per year in the 300th year, which is equal to 3.46% of pumping, as shown in Exhibit A.
10. The Applicant proposes to provide 0.18 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 return flows from the in-house use in one single-family dwelling of the groundwater to be pumped under the plan. The Applicant estimates that return flows will consist of 90% of the water used for in-house purposes. Assuming in-house use in one single-family dwelling requires of 0.20 acre-feet annually, the return flow would be 0.18 acre-feet annually.
11. 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.
12. 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.

13. Pursuant to Rule 5.6.1.C this plan, including the proposed uses of the water withdrawn pursuant to the plan, must not be speculative, and must be technically and financially feasible and within the Applicant's ability to complete. The plan, including the proposed uses of the water withdrawn pursuant to the plan, is not speculative. The plan appears technically and financially feasible and within the Applicant's ability to complete.
14. 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.
15. 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. 3637-BD water is currently available in the amounts and for the number of years proposed to be diverted.
16. 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. 3637-BD, and such water is legally available for use pursuant to this plan.
17. In accordance with sections 37-90-107.5 and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on November 19, 2020 and November 26, 2020. No objections to the application were received within the time limit set by statute.
18. According to Rule 5.6.1:
  - a. The Applicant has the burden of proving the adequacy of the plan in all respects.
  - b. If the applicant meets its burden of proof, the Commission shall grant approval of the plan which shall include any terms and conditions established the Commission.
19. The Commission Staff has evaluated the application pursuant to section 37-90-107.5, and the requirements of Rule 5.3.6.2(C) and Rule 5.6, finds that the requirements have been meet, and the plan may be approved to allow diversions from the Dawson Aquifer if operated subject to the conditions given below.

### ORDER

In accordance with section 37-90-107.5, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer underlying 19.6 acres that are the subject of Determination of Water Right no. 3637-BD is approved subject to the following conditions:

20. Approval of this replacement plan hereby cancels the Carefree Properties, LLC replacement plan approved by the Commission in a Findings and Order dated January 31, 2019.
21. Well permit no. 84274-F, which was approved pursuant to Determination of Water Right no. 3637-BD and the Carefree Properties, LLC replacement plan approved by the Commission in a Findings and Order dated January 31, 2019, must be re-permitted to operate in accordance



with Determination of Water Right no. 3637-BD and this replacement plan.

22. The Dawson Aquifer water will be withdrawn through two wells to be located on two residential lots. The allowed use of groundwater for each well under this plan is in-house use, irrigation of landscape/lawn and garden, replacement, and watering of domestic animals and livestock. The land on which the wells will be located is the 19.6 acres of Overlying Land described above.
23. The allowed annual amount of groundwater to be withdrawn from the Aquifer by all wells operating under this plan shall not exceed 3.0 acre-feet.
24. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
25. 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.
26. 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.
27. Return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems located within the 19.6 acres of Overlying Land that are the subject of Determination of Water Right No. 3637-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.



Aquifer: Dawson

Applicant: William Rapson

33. The Applicant (and their successors) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not be limited to, those items identified below. The Applicant must submit records to the Commission on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15<sup>th</sup> of the following year.
- a. Identification of all well permits issued and wells constructed under this plan.
  - b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
  - c. The number of occupied dwellings served by each well.
  - d. The number of square feet irrigated by each well.
  - e. The number of large domestic animals served by each well.
  - f. 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.
  - g. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
34. The Applicant (and their successors) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, identification of the well that was sold and evidence that the new owner has been notified of their responsibilities under the replacement plan shall accompany that year's accounting.
35. 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.
36. 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.
37. All terms and conditions of Determination of Water Right No. 3637-BD must be meet.
38. Pursuant to Rule 5.6.1.E, a copy of this Findings and Order shall be recorded by the Applicant in the clerk and recorder's records of El Paso County, so that a title examination of the land on which the structures involved in this plan are located reveals the existence of this plan.

Dated this 29th day of December, 2020.

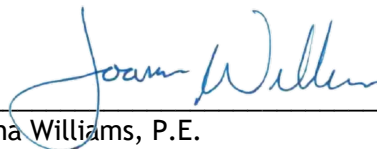


Aquifer: Dawson

Applicant: William Rapson



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

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

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Prepared by: wad



Exhibit A  
Replacement Plan No. 2 - Determination No.: 3637-BD  
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Designated Basin Summary Table for William Rapson Pumping Rate of 3 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	3.0	0.000	0.00	155	3.0	0.046	1.55
10	3.0	0.000	0.01	160	3.0	0.049	1.62
15	3.0	0.000	0.02	165	3.0	0.051	1.68
20	3.0	0.001	0.03	170	3.0	0.053	1.75
25	3.0	0.002	0.05	175	3.0	0.055	1.82
30	3.0	0.002	0.08	180	3.0	0.057	1.89
35	3.0	0.003	0.11	185	3.0	0.059	1.96
40	3.0	0.004	0.15	190	3.0	0.061	2.02
45	3.0	0.006	0.19	195	3.0	0.063	2.09
50	3.0	0.007	0.23	200	3.0	0.065	2.16
55	3.0	0.008	0.28	205	3.0	0.067	2.23
60	3.0	0.010	0.33	210	3.0	0.069	2.29
65	3.0	0.012	0.39	215	3.0	0.071	2.36
70	3.0	0.013	0.44	220	3.0	0.073	2.43
75	3.0	0.015	0.50	225	3.0	0.075	2.49
80	3.0	0.017	0.56	230	3.0	0.077	2.56
85	3.0	0.019	0.62	235	3.0	0.079	2.63
90	3.0	0.021	0.69	240	3.0	0.081	2.69
95	3.0	0.022	0.75	245	3.0	0.083	2.76
100	3.0	0.024	0.81	250	3.0	0.085	2.82
105	3.0	0.026	0.88	255	3.0	0.087	2.89
110	3.0	0.028	0.94	260	3.0	0.089	2.95
115	3.0	0.030	1.01	265	3.0	0.091	3.02
120	3.0	0.032	1.08	270	3.0	0.092	3.08
125	3.0	0.034	1.14	275	3.0	0.094	3.15
130	3.0	0.036	1.21	280	3.0	0.096	3.21
135	3.0	0.038	1.28	285	3.0	0.098	3.27
140	3.0	0.040	1.35	290	3.0	0.100	3.34
145	3.0	0.042	1.41	295	3.0	0.102	3.40
150	3.0	0.044	1.48	300	3.0	0.104	3.46

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



Summary Table 1			Summary Table 2				
			Model Period (years)	300			
Applicant Name	William Rapson		Applicant Name	William Rapson			
Receipt No.	3637-BD		Receipt No.	3637-BD			
Number of Years of Pumping	300		Number of Years of Pumping	300			
Pumping Rate (ac-ft/yr)	3.00		Pumping Rate (ac-ft/yr)	3.00			
Total Volume (ac-ft)	900		Total Volume (ac-ft)	900			
Legal for All Sections	Section 14, T11S, R65W, 6th P.M.		Legal for All Sections	Section 14, T11S, R65W, 6th P.M.			
Model	DA02		Model	DA02			
Aquifer	Dawson		Aquifer	Dawson			
100th Year Stream Depletion			Maximum Stream Depletion				
Streams	100th Year Depletion (ac-ft/yr)	q/Q (%)	Streams	Max.Depletion during model period (ac-ft/yr)	Year during model period	Max. Depletion during pumping period (ac-ft/yr)	Year during pumping period
MONUMENT	0.009	0.299	MONUMENT	0.057	300	0.057	300
EAST PLUM-W&E BRANCH	0.000	0.009	EAST PLUM-W&E BRANCH	0.011	300	0.011	300
RUNNING CREEK	0.000	0.009	RUNNING CREEK	0.005	300	0.005	300
WEST CHERRY	0.023	0.755	WEST CHERRY	0.092	300	0.092	300
EAST CHERRY	0.075	2.499	EAST CHERRY	0.164	300	0.164	300
CHERRY	0.002	0.082	CHERRY	0.028	300	0.028	300
KIOWA	0.024	0.801	KIOWA	0.098	300	0.098	300
KETTLE	0.004	0.146	KETTLE	0.022	300	0.022	300
SAND-DIV2	0.004	0.144	SAND-DIV2	0.042	300	0.042	300
BIG SANDY	0.000	0.000	BIG SANDY	0.000	300	0.000	300
BLACK SQUIRREL-UBSCDB	0.000	0.011	BLACK SQUIRREL-UBSCDB	0.006	300	0.006	300
<b>Total</b>	<b>0.143</b>	<b>4.757</b>	<b>Total</b>	<b>0.525</b>	<b>300</b>	<b>0.525</b>	<b>300</b>
South Platte(No Designated Basin Streams)	0.101	3.355	South Platte Basin(No Designated Basin Streams)	0.299	300	0.299	300
Arkansas(No Designated Basin Streams)	0.018	0.589	Arkansas Basin(No Designated Basin Streams)	0.121	300	0.121	300
Designated Basin	0.024	0.813	Designated Basin	0.104	300	0.104	300

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



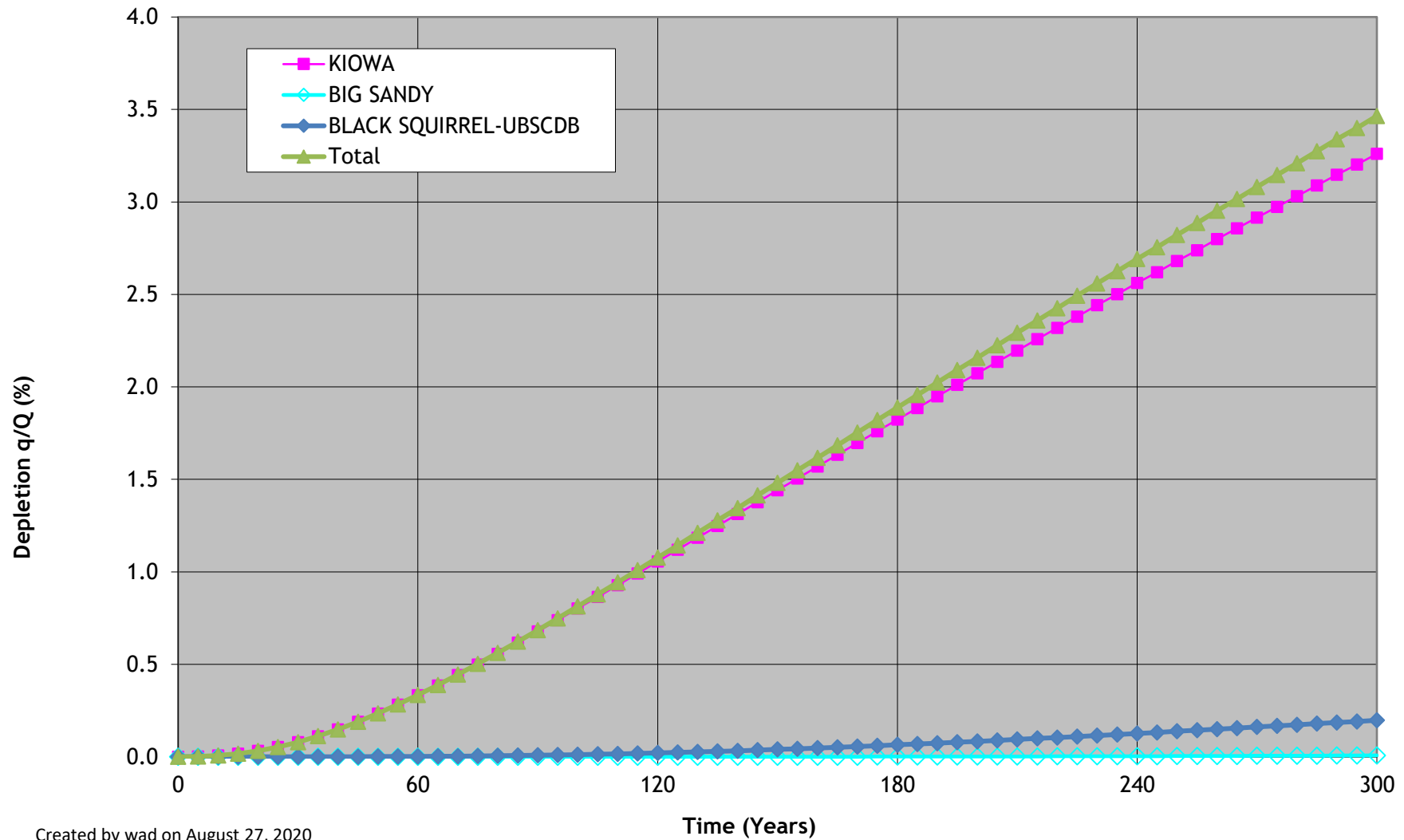
Stream Depletion for William Rapson								
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer								
	Kiowa Bijou Designated		Upper Big Sandy Designated		Upper Black Squirrel		TOTAL	
	KIOWA		BIG SANDY		BLACK SQUIRREL-UBSCDB			
Time	q/Q	vol. /yr	q/Q	vol. /yr	q/Q	vol. /yr	q/Q	vol. /yr
(yr)	(%)	(af/yr)	(%)	(af/yr)	(%)	(af/yr)	(%)	(af/yr)
0	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000
5	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000
10	0.01	0.000	0.00	0.000	0.00	0.000	0.01	0.000
15	0.02	0.000	0.00	0.000	0.00	0.000	0.02	0.000
20	0.03	0.001	0.00	0.000	0.00	0.000	0.03	0.001
25	0.05	0.002	0.00	0.000	0.00	0.000	0.05	0.002
30	0.08	0.002	0.00	0.000	0.00	0.000	0.08	0.002
35	0.11	0.003	0.00	0.000	0.00	0.000	0.11	0.003
40	0.15	0.004	0.00	0.000	0.00	0.000	0.15	0.004
45	0.19	0.006	0.00	0.000	0.00	0.000	0.19	0.006
50	0.23	0.007	0.00	0.000	0.00	0.000	0.23	0.007
55	0.28	0.008	0.00	0.000	0.00	0.000	0.28	0.008
60	0.33	0.010	0.00	0.000	0.00	0.000	0.33	0.010
65	0.39	0.012	0.00	0.000	0.00	0.000	0.39	0.012
70	0.44	0.013	0.00	0.000	0.00	0.000	0.44	0.013
75	0.50	0.015	0.00	0.000	0.00	0.000	0.50	0.015
80	0.56	0.017	0.00	0.000	0.01	0.000	0.56	0.017
85	0.62	0.018	0.00	0.000	0.01	0.000	0.62	0.019
90	0.68	0.020	0.00	0.000	0.01	0.000	0.69	0.021
95	0.74	0.022	0.00	0.000	0.01	0.000	0.75	0.022
100	0.80	0.024	0.00	0.000	0.01	0.000	0.81	0.024
105	0.86	0.026	0.00	0.000	0.01	0.000	0.88	0.026
110	0.93	0.028	0.00	0.000	0.02	0.000	0.94	0.028
115	0.99	0.030	0.00	0.000	0.02	0.001	1.01	0.030
120	1.06	0.032	0.00	0.000	0.02	0.001	1.08	0.032
125	1.12	0.034	0.00	0.000	0.02	0.001	1.14	0.034
130	1.18	0.036	0.00	0.000	0.03	0.001	1.21	0.036
135	1.25	0.037	0.00	0.000	0.03	0.001	1.28	0.038
140	1.31	0.039	0.00	0.000	0.03	0.001	1.35	0.040
145	1.38	0.041	0.00	0.000	0.04	0.001	1.41	0.042
150	1.44	0.043	0.00	0.000	0.04	0.001	1.48	0.044
155	1.51	0.045	0.00	0.000	0.04	0.001	1.55	0.046
160	1.57	0.047	0.00	0.000	0.05	0.001	1.62	0.049
165	1.63	0.049	0.00	0.000	0.05	0.002	1.68	0.051
170	1.70	0.051	0.00	0.000	0.06	0.002	1.75	0.053
175	1.76	0.053	0.00	0.000	0.06	0.002	1.82	0.055
180	1.82	0.055	0.00	0.000	0.06	0.002	1.89	0.057
185	1.89	0.057	0.00	0.000	0.07	0.002	1.96	0.059
190	1.95	0.058	0.00	0.000	0.07	0.002	2.02	0.061
195	2.01	0.060	0.00	0.000	0.08	0.002	2.09	0.063
200	2.07	0.062	0.00	0.000	0.08	0.003	2.16	0.065
205	2.14	0.064	0.00	0.000	0.09	0.003	2.23	0.067
210	2.20	0.066	0.00	0.000	0.09	0.003	2.29	0.069
215	2.26	0.068	0.00	0.000	0.10	0.003	2.36	0.071
220	2.32	0.070	0.00	0.000	0.10	0.003	2.43	0.073
225	2.38	0.071	0.00	0.000	0.11	0.003	2.49	0.075
230	2.44	0.073	0.00	0.000	0.12	0.003	2.56	0.077
235	2.50	0.075	0.00	0.000	0.12	0.004	2.63	0.079
240	2.56	0.077	0.00	0.000	0.13	0.004	2.69	0.081
245	2.62	0.079	0.00	0.000	0.13	0.004	2.76	0.083
250	2.68	0.080	0.00	0.000	0.14	0.004	2.82	0.085
255	2.74	0.082	0.00	0.000	0.14	0.004	2.89	0.087
260	2.80	0.084	0.00	0.000	0.15	0.004	2.95	0.089
265	2.86	0.086	0.00	0.000	0.16	0.005	3.02	0.091
270	2.91	0.087	0.01	0.000	0.16	0.005	3.08	0.092
275	2.97	0.089	0.01	0.000	0.17	0.005	3.15	0.094
280	3.03	0.091	0.01	0.000	0.17	0.005	3.21	0.096
285	3.09	0.093	0.01	0.000	0.18	0.005	3.27	0.098
290	3.15	0.094	0.01	0.000	0.19	0.006	3.34	0.100
295	3.20	0.096	0.01	0.000	0.19	0.006	3.40	0.102
300	3.26	0.098	0.01	0.000	0.20	0.006	3.46	0.104

Created by wad on August 27, 2020

Values for q/Q are not calculated when the pumping rate (Q) is changed to anything but zero.



Stream Depletion for William Rapson  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer

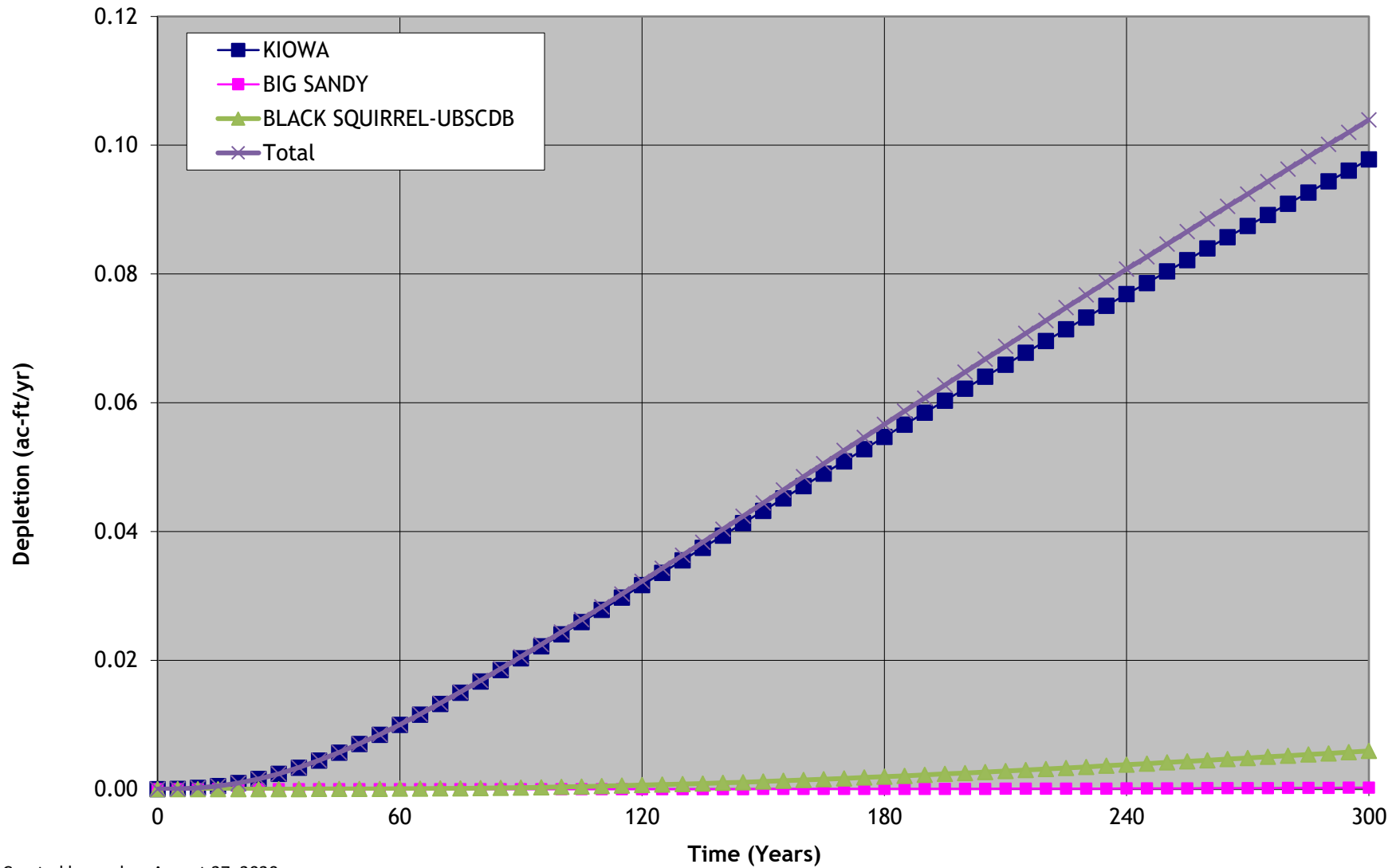


Created by wad on August 27, 2020

If the pumping rate (Q) is changed to anything but zero  $q/Q$  is not calculated



Stream Depletion for William Rapson  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer






**RCVD DWR**  
**07/16/2020**

**APPLICATION FOR A REPLACEMENT PLAN  
WITHIN A DESIGNATED GROUND WATER BASIN**

NOTE: This application may only be used to request Ground Water Commission approval of a replacement plan within a Designated Ground Water Basin pursuant to Section 37-90-107.5, C.R.S. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Commission with a non-refundable \$100 filing fee. Type or print in black ink.

<b>1. APPLICANT INFORMATION</b>	
Name of Applicant <b>William Rapson</b>	
Mailing Address <b>10870 Elizabeth Way, Colorado Springs, CO 80908</b>	
Telephone Number (include area code) <b>907-227-7290</b>	Email <b>rapson21@hotmail.com</b>
<b>2. AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN</b>	
Aquifer in which the plan will operate: <b>Dawson</b>	
County: <b>El Paso</b> Section <b>14</b> , Township <b>11</b> N / <b>S</b> , Range <b>65</b> W	
<b>3 THE FOLLOWING MUST BE PROVIDED AS ATTACHEMENTS TO THIS APPLICATION</b>	
A. A report containing all information required to be submitted for a replacement plan as required by Designated Basin Rule 5.6.2 (Rule 5.6.2 is provided as an attachment to this form).	
B. If the replacement plan is for the purpose of allowing withdrawals of ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer pursuant to Section 37-90-107(7), C.R.S. and in accordance with Designated Basin Rule 5.3.6.2.C, indicate the subject aquifer, the approved determination of water right or pending application for such determination, and provide a table showing the first 100 years of annual depletions to affected alluvial aquifer(s) caused by proposed pumping during the first 100 years, and if pumping continues beyond 100 years the annual depletions to affected alluvial aquifer(s) until pumping ceases.	
<b>4. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.	
Signature 	Date: <b>7/16/2020</b>
Print name and title: <b>William Rapson</b>	
<b>FOR OFFICE USE ONLY</b>	
<b>10004706</b>	
DIV _____ CO _____ WD _____ BASIN _____ MD _____	



**BARGAIN AND SALE DEED**

In connection with the purchase and sale of the West half of the Southeast quarter of the Southeast quarter of Section 14, Township 11 South, Range 65 West of the 6th P.M.; excepting a perpetual easement for roadway, utilities, ingress and egress purposes over and across the North 40 feet, El Paso County, Colorado, also known as 10675 Hardy Road, Colorado Springs, CO 80920,, Colorado Springs, CO 80908, El Paso County, Colorado ("Property"), Carefree Properties, LLC, a Colorado Limited Liability Company ("Grantor") of the County of El Paso and State of Colorado, for ten dollars and other good and valuable consideration in hand paid, hereby sells and conveys to Andrea Rapson and William Rapson, as joint tenants ("Grantee"), whose address is 10870 Elizabeth Way, Colorado Springs, CO 80908 of the County of El Paso, and State of Colorado, the following water rights, to wit:

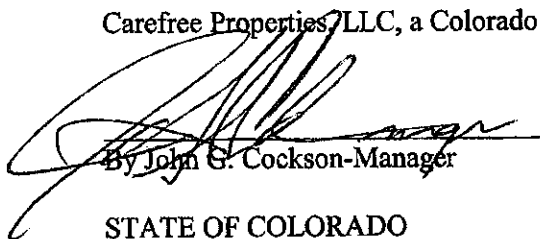
Those rights set forth in the Colorado Ground Water Commission Findings and Determination in Case Nos. 3637-BD (Dawson Aquifer and Replacement Plan), 3636-BD (Denver Aquifer), 3635-BD (Arapahoe Aquifer) and 3634-BD (Laramie-Fox Hills Aquifer).

TO HAVE AND TO HOLD together with any and all appurtenances and privileges, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the proper use and benefit of the Grantee, his heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this deed on this 30<sup>th</sup> day of December, 2019.

GRANTOR

Carefree Properties, LLC, a Colorado Limited Liability Company

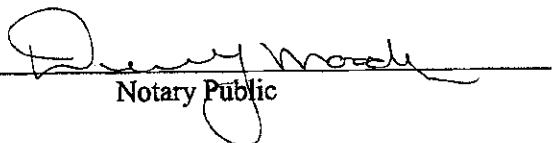
  
By John G. Cockson-Manager

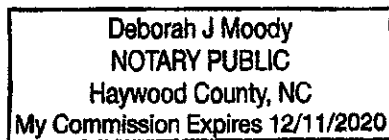
STATE OF COLORADO


COUNTY OF EL PASO

ss: The foregoing document was acknowledged before me this 30<sup>th</sup> day of December, 2020 by John G. Cockson as Manager of Carefree Properties, LLC.

My commission expires 12-11-2020.

  
Notary Public



  
Unified  
THE COMPANY 694447C





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## Well amendment forms and deed

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**Bill Rapson** <rapson21@hotmail.com>

Thu, Jul 16, 2020 at 3:23 PM

To: "dwrpermitsonline@state.co.us" <dwrpermitsonline@state.co.us>

Good Afternoon,

These attachments are in reference to amendment on a well permit. I was speaking with Ms. Shannon Porter and she is familiar with the documents.

Thank

William Rapson

907-227-7290

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### 2 attachments



**GWS-69.pdf**

397K



**E-RECORDING BARGAIN SALE DEED .PDF**

36K




Form no. **COLORADO GROUND WATER COMMISSION**  
GWS-69 **DIVISION OF WATER RESOURCES**  
(5-2019) **DEPARTMENT OF NATURAL RESOURCES**  
**1313 Sherman St, Room 821, Denver, CO 80203**  
**(303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)**

**RCVD DWR**  
**08/27/2020**

**APPLICATION FOR A REPLACEMENT PLAN  
WITHIN A DESIGNATED GROUND WATER BASIN**

NOTE: This application may only be used to request Ground Water Commission approval of a replacement plan within a Designated Ground Water Basin pursuant to Section 37-90-107.5, C.R.S. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Commission with a non-refundable \$100 filing fee. Type or print in black ink.

<b>1. APPLICANT INFORMATION</b>	
Name of Applicant <b>William Rapson</b>	
Mailing Address <b>10870 Elizabeth Way, Colorado Springs, CO 80908</b>	
Telephone Number (include area code) <b>907-227-7290</b>	Email <b>cdc@cowaterlaw.com</b> <b>rapson21@hotmail.com</b>
<b>2. AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN</b>	
Aquifer in which the plan will operate: <b>Dawson</b>	
County: <b>El Paso</b> Section <b>14</b> , Township <b>11</b> N / <b>S</b> , Range <b>65</b> W	
<b>3 THE FOLLOWING MUST BE PROVIDED AS ATTACHEMENTS TO THIS APPLICATION</b>	
A. A report containing all information required to be submitted for a replacement plan as required by Designated Basin Rule 5.6.2 (Rule 5.6.2 is provided as an attachment to this form).	
B. If the replacement plan is for the purpose of allowing withdrawals of ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer pursuant to Section 37-90-107(7), C.R.S. and in accordance with Designated Basin Rule 5.3.6.2.C, indicate the subject aquifer, the approved determination of water right or pending application for such determination, and provide a table showing the first 100 years of annual depletions to affected alluvial aquifer(s) caused by proposed pumping during the first 100 years, and if pumping continues beyond 100 years the annual depletions to affected alluvial aquifer(s) until pumping ceases.	
<b>4. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.	
Signature 	Date: <b>08/27/2020</b>
Print name and title: <b>William Rapson</b>	
<b>FOR OFFICE USE ONLY</b>	
DIV _____ CO _____ WD _____ BASIN _____ MD _____	



**ATTACHMENT FOR AMENDMENT TO EXISTING REPLACEMENT PLAN**

Application of William Rapson, for Dawson Aquifer  
Summary of Amendment

Applicant seeks to amend the existing replacement plan (Determination No. 3637-BD) for use of the not-nontributary Upper Dawson aquifer underlying a tract of land in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 11 South, Range 65 West of the 6th P.M. described as follows:

The West $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado.

Applicant wishes to amend the prior replacement by removing any reference to lots or lot lines upon the property, but expressly does not seek any change to the modeling or engineering assumptions or data considered and contained in the original replacement plan approval. Applicant seeks to rely upon all prior engineering documentation as concerns this very minor amendment. In accordance with the existing approved replacement plan issued in 3637-BD, Applicant proposes to pump 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) from a total of 3 individual wells to be located on the above described property. The existing well with Permit No. 84274-F will be re-permitted pursuant to the approved amended replacement plan.

Maximum annual depletions have been previously determined in the prior approval to amount to 4.7% of actual pumping in the 100th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in-house use. A minimum of 0.25 annual acre-feet will be used for in-house use in at least one single-family home, resulting in septic return flows of 0.225 acre-feet annually. The remainder of the pumping will be used for other accessory uses of landscape/lawn and garden irrigation, and for watering of domestic animals and livestock. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.225 acre-feet, or 14% of pumping, exceeding the maximum depletion of 0.14 acre-feet, or 4.7% of pumping. Applicant anticipates the use of up to two additional wells to supply domestic type uses and associated accessory uses as described above in multiple accessory dwellings and outbuildings. However, septic return flows from use of water in the existing single family dwelling adequately replace depletions from the pumping of all wells.



The water quality in the Dawson aquifer in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits. There is a general acceptance of suitable and sufficient water quality for residences utilizing Denver Basin groundwater supplies. All wells will meet all applicable regulatory requirements regarding quality testing before being utilized as a residential and consequently, replacement water source. The septic system(s) will be evaluated and installed according to applicable Guidelines, including those of the El Paso County Department of Health and Human Services, and properly maintained to prevent contamination of surface and subsurface water resources. All water pumped from the well(s) will be metered to ensure no water beyond that permitted is pumped. The replacement water consists of septic return flows, conservatively estimated as being 90% of water utilized in-house.

Estimated cost of construction and infrastructure amounts to \$300,000. Development of accessory buildings and uses will begin immediately upon approval of this amended Replacement Plan, to be completed prior to 2021.

Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.225 acre-feet, or 14% of pumping, exceeding the maximum depletion of 0.14 acre-feet, or 4.7% of pumping over the 100-year life of the replacement plan.



**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

**EXISTING REPLACEMENT PLAN  
- APPLICANT SEEKING TO  
AMEND**

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

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REPLACEMENT PLAN - DETERMINATION OF WATER RIGHT NO. 3637-BD

AQUIFER: DAWSON

APPLICANT: CAREFREE PROPERTIES, LLC

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In compliance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1 ("Rules" or "Rule"), Carefree Properties, LLC ("Applicant") submitted an application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer in accordance with Determination of Water Right No. 3637-BD.

**FINDINGS**

1. Pursuant to Section 37-90-107(7), CRS, in a Findings and Order dated January 31, 2019, the Ground Water Commission ("Commission") approved a Determination of Water Right, no. 3637-BD, for the Dawson Aquifer ("Aquifer"), summarized as follows.
  - a. The determination quantified an amount of water from beneath 19.6 acres of overlying land generally described as part of the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth P.M., in El Paso County.
  - b. The total volume of underlying ground water that may be withdrawn from the Aquifer shall not exceed 1,670 acre-feet and the allowed average annual amount of ground water that may be withdrawn from the Aquifer shall not exceed 16.7 acre-feet.
  - c. The use of the allowed amount of underlying ground water shall be limited to the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The place of use shall be limited to the above described 19.6 acres of Overlying Land.
  - d. In accordance with Rule 5.3.6 the withdrawal of the subject ground water will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, the ground water is considered to be not-nontributary, and Commission approval of a replacement plan providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to withdraw the subject ground water.
2. The subject water is Designated Ground water located within the boundaries of the Kiowa-Bijou Designated Ground Water Basin. The Commission has jurisdiction.
3. Withdrawal of the subject ground water would deplete the alluvial aquifer of the Kiowa-Bijou Designated Ground Water Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin, both of which, according to Rules 5.2.4.2 and 5.2.6.2, respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing alluvial rights withdrawing water from those alluvial aquifers.



Aquifer: Upper Dawson

Applicant: Carefree Properties, LLC

4. Pursuant to Rule 5.6.1 this plan must be adequate to prevent any material injury to water rights of other appropriators, which for purposes of this plan means large capacity wells withdrawing water from the alluvial aquifer of the Kiowa-Bijou Designated Ground Water Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin.
5. Pursuant to Rule 5.3.6.2(C) the amount of replacement water shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping and if pumping continues beyond 100 years, shall replace actual impact until pumping ceases.
6. The subject application for the replacement plan was received by the Commission on October 23, 2018.
7. The Applicant proposes to divert 3.0 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through three individual wells to be located on three residential lots. Each Dawson aquifer well is proposed to divert 1.0 acre-foot of water annually for use in 1 single family residence, landscape/lawn and garden irrigation, watering of domestic animals, livestock and replacement.
8. At a continuous withdrawal of 3.0 acre-feet annually for 300 years, total depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Ground Water Basin and Upper Black Squirrel Creek Designated Ground Water Basin would steadily increase to 0.109 acre-feet per year in the 300th year, which is equal to 3.63% of pumping, as shown in Exhibit A.
9. The Applicant proposes to provide 0.18 acre-feet per year of replacement water to the alluvial aquifer system of the Kiowa-Bijou Designated Ground Water Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the ground water to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. Assuming each lot uses a total annual amount for in-house use of 0.20 acre-feet, the return flow per lot 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 Ground Water Basin. The Applicant proposes to aggregate all replacements to the drainage in which the well or wells will operate, in accordance with Guideline 2007-1.
11. So long as the septic and leaching treatment systems for the in-house use of the water are constructed and operated in compliance with state and county health department standards the plan would not cause unreasonable impairment of water quality of the alluvial aquifer.
12. Records in this office indicate that the Applicant controls the water right to be used as the source of replacement water, consisting of Determination of Water Right No. 3637-BD.
13. In accordance with Sections 37-90-107.5 and 37-90-112, CRS, the application was published in the Ranchland News newspaper on December 20, 2018 and December 27, 2018. No objections to the application were received within the time limit set by statute.



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

#### ORDER

In accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer underlying 19.6 acres that are the subject of Determination of Water Right no. 3637-BD is approved subject to the following conditions:

17. The Dawson aquifer water may be withdrawn through three individual wells to be located on three residential lots. Each Dawson aquifer well may divert 1.0 acre-feet of water annually for use in 1 single family residence, landscape/lawn and garden irrigation, watering of domestic animals, livestock and replacement.
18. The allowed annual amount of ground water that may be withdrawn from the aquifer by all wells operating under this plan shall not exceed 3.0 acre-feet. The allowed annual amount of water that may be withdrawn from each on-lot well shall not exceed 1.0 acre-foot.
19. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
20. Permanent records of all withdrawals of ground water from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission.
21. Pumping under this plan is limited to a period of 300 years. The year of first use of this replacement plan shall be the calendar year of construction of a well permitted pursuant to this plan or permitting of an existing well pursuant to the plan.
22. Return flows from in-house use of ground water shall occur through individual on-lot non-evaporative septic systems located within the 19.6 acres of overlying land that are the subject of Determination of Water Right No. 3637-BD.
23. The septic systems must be constructed and operated to state and county health department standards.



24. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A. Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5 year increment.
25. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan, and that the replacement prevents any material injury to the water rights of other appropriators. The annual replacement requirement and the annual amount of replacement water provided shall be calculated and reported on a form acceptable to the Commission. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.
26. The Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer.
27. To assure adequate return flows, at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any irrigation or animal watering is allowed to be served by any of the wells.
28. So long as at least one well continues to pump and supply an occupied dwelling, the plan's required replacement obligations, shown in Exhibit A, will be met. Should all wells cease pumping for in-house use within the first 100 years an amended or alternate replacement plan must be obtained that will make the required replacement deliveries.
29. The Applicant or their successor(s) must gather, record and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not be limited to, those items identified below. The Applicant must submit records to the Commission on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15<sup>th</sup> of the following year.
  - a. Identification of all well permits issued and wells constructed under this plan.
  - b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
  - c. The number of occupied dwellings served by each well.
  - d. The return flows occurring from use of all wells operating under the plan, assuming 0.18 acre-feet per year (90% of the water used for in-house purposes) enters the alluvial aquifer as replacement water from each occupied dwelling.
  - e. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
30. The Applicant or their successor(s) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, evidence of the sale and notification to the new owner of their responsibility under the replacement plan shall accompany that year's accounting.
31. Any covenants adopted for this subdivision should contain a description of the replacement plan, including the limitations on water use for each lot, metering of well pumping, and how the plan is to be administered.



Aquifer: Upper Dawson

Applicant: Carefree Properties, LLC

32. In the event the permitted well or wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting ground water.
33. All terms and conditions of Determination of Water Right No. 3637-BD must be met.
34. Pursuant to Designated Basin Rule 5.6.1(F), the Commission retains jurisdiction to modify or revoke approval of this replacement plan if monitoring or operating experience reveals that the plan results in any material injury to water rights of other appropriators or unreasonable impairment to water quality.
35. A copy of this Findings and Order shall be recorded by the Applicant in the real property records of El Paso County, so that a title examination of the above described property, or any part thereof, shall reveal to all future purchasers the existence of this replacement plan. The terms and conditions of this replacement plan shall be considered to be a covenant on and running with the subject property.

Dated this Dated this 31st day of January, 2019.

By: 

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



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

F&ORP3637-BD.docx

Prepared by: aat



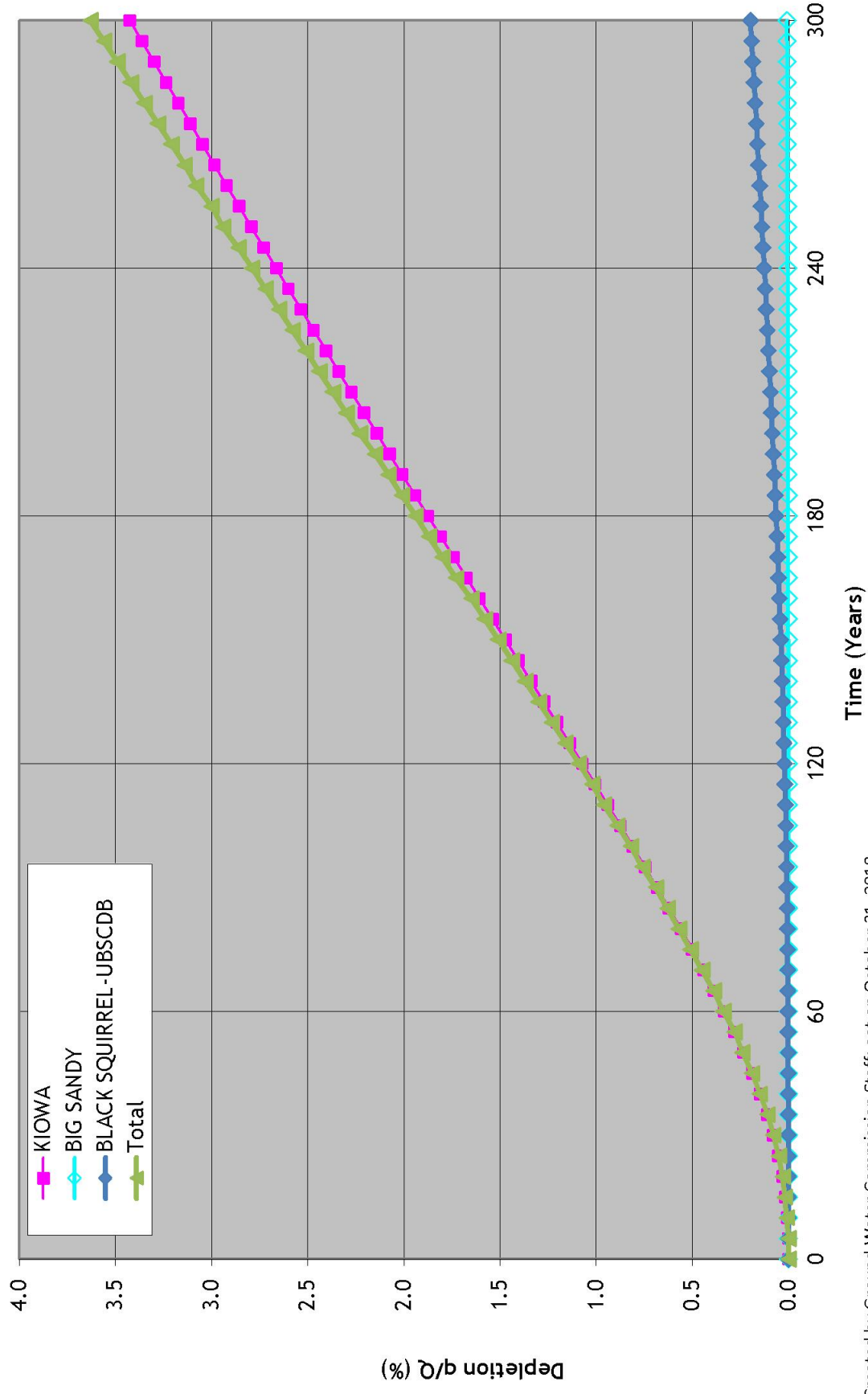
Exhibit A  
Replacement Plan - Determination No.: 3637-BD  
Page 1 of 1

Designated Basin Summary Table for Carefree Properties, LLC Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Section 14, T11S, R65W, 6th P.M.					
Year	Depletion as a % of Pumping	Annual Depletion (AF/YR)	Year	Depletion as a % of Pumping	Annual Depletion (AF/YR)
5	0.00	0.000	155	1.58	0.048
10	0.01	0.000	160	1.65	0.050
15	0.02	0.000	165	1.73	0.052
20	0.03	0.001	170	1.80	0.054
25	0.05	0.002	175	1.87	0.056
30	0.08	0.002	180	1.94	0.058
35	0.11	0.003	185	2.01	0.060
40	0.15	0.004	190	2.08	0.062
45	0.19	0.006	195	2.15	0.065
50	0.24	0.007	200	2.23	0.067
55	0.28	0.009	205	2.30	0.069
60	0.34	0.010	210	2.37	0.071
65	0.39	0.012	215	2.44	0.073
70	0.45	0.013	220	2.51	0.075
75	0.51	0.015	225	2.58	0.077
80	0.57	0.017	230	2.65	0.080
85	0.63	0.019	235	2.72	0.082
90	0.69	0.021	240	2.79	0.084
95	0.76	0.023	245	2.86	0.086
100	0.82	0.025	250	2.94	0.088
105	0.89	0.027	255	3.00	0.090
110	0.96	0.029	260	3.08	0.092
115	1.02	0.031	265	3.14	0.094
120	1.09	0.033	270	3.21	0.096
125	1.16	0.035	275	3.28	0.098
130	1.23	0.037	280	3.35	0.101
135	1.30	0.039	285	3.42	0.103
140	1.37	0.041	290	3.49	0.105
145	1.44	0.043	295	3.56	0.107
150	1.51	0.045	300	3.63	0.109

Created by Ground Water Commission Staff: aat on October 31, 2018

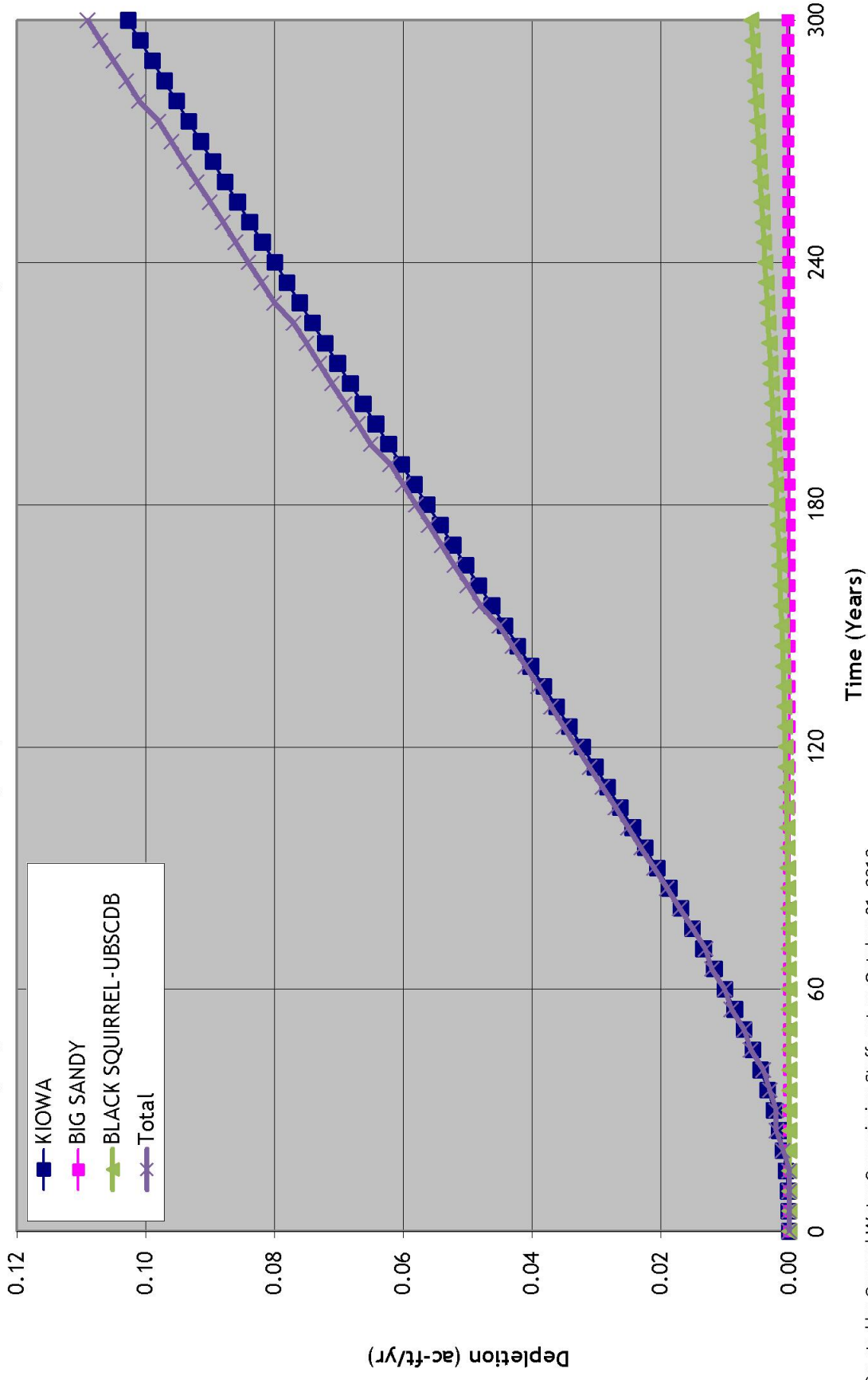


Stream Depletion for Carefree Properties, LLC  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer





Stream Depletion for Carefree Properties, LLC  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer





Stream Depletion for Carefree Properties, LLC  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer

	Kiowa Bijou Designated		Upper Big Sandy Designated		Upper Black Squirrel			
	KIOWA		BIG SANDY		BLACK SQUIRREL-UBSCDB			
Time	q/Q	vol. /yr	q/Q	vol. /yr	q/Q	vol. /yr	q/Q	vol. /yr
(yr)	(%)		(%)		(%)		(%)	
0	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000
5	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000
10	0.01	0.000	0.00	0.000	0.00	0.000	0.01	0.000
15	0.02	0.000	0.00	0.000	0.00	0.000	0.02	0.000
20	0.03	0.001	0.00	0.000	0.00	0.000	0.03	0.001
25	0.05	0.002	0.00	0.000	0.00	0.000	0.05	0.002
30	0.08	0.002	0.00	0.000	0.00	0.000	0.08	0.002
35	0.11	0.003	0.00	0.000	0.00	0.000	0.11	0.003
40	0.15	0.004	0.00	0.000	0.00	0.000	0.15	0.004
45	0.19	0.006	0.00	0.000	0.00	0.000	0.19	0.006
50	0.23	0.007	0.00	0.000	0.00	0.000	0.24	0.007
55	0.28	0.008	0.00	0.000	0.00	0.000	0.28	0.009
60	0.33	0.010	0.00	0.000	0.00	0.000	0.34	0.010
65	0.39	0.012	0.00	0.000	0.00	0.000	0.39	0.012
70	0.44	0.013	0.00	0.000	0.00	0.000	0.45	0.013
75	0.50	0.015	0.00	0.000	0.00	0.000	0.51	0.015
80	0.56	0.017	0.00	0.000	0.01	0.000	0.57	0.017
85	0.62	0.019	0.00	0.000	0.01	0.000	0.63	0.019
90	0.68	0.021	0.00	0.000	0.01	0.000	0.69	0.021
95	0.75	0.022	0.00	0.000	0.01	0.000	0.76	0.023
100	0.81	0.024	0.00	0.000	0.01	0.000	0.82	0.025
105	0.87	0.026	0.00	0.000	0.01	0.000	0.89	0.027
110	0.94	0.028	0.00	0.000	0.02	0.000	0.96	0.029
115	1.01	0.030	0.00	0.000	0.02	0.001	1.02	0.031
120	1.07	0.032	0.00	0.000	0.02	0.001	1.09	0.033
125	1.14	0.034	0.00	0.000	0.02	0.001	1.16	0.035
130	1.20	0.036	0.00	0.000	0.03	0.001	1.23	0.037
135	1.27	0.038	0.00	0.000	0.03	0.001	1.30	0.039
140	1.34	0.040	0.00	0.000	0.03	0.001	1.37	0.041
145	1.41	0.042	0.00	0.000	0.04	0.001	1.44	0.043
150	1.47	0.044	0.00	0.000	0.04	0.001	1.51	0.045
155	1.54	0.046	0.00	0.000	0.04	0.001	1.58	0.048
160	1.61	0.048	0.00	0.000	0.05	0.001	1.65	0.050
165	1.67	0.050	0.00	0.000	0.05	0.002	1.73	0.052
170	1.74	0.052	0.00	0.000	0.06	0.002	1.80	0.054
175	1.81	0.054	0.00	0.000	0.06	0.002	1.87	0.056
180	1.87	0.056	0.00	0.000	0.06	0.002	1.94	0.058
185	1.94	0.058	0.00	0.000	0.07	0.002	2.01	0.060
190	2.01	0.060	0.00	0.000	0.07	0.002	2.08	0.062
195	2.07	0.062	0.00	0.000	0.08	0.002	2.15	0.065
200	2.14	0.064	0.00	0.000	0.08	0.003	2.23	0.067
205	2.21	0.066	0.00	0.000	0.09	0.003	2.30	0.069
210	2.27	0.068	0.00	0.000	0.09	0.003	2.37	0.071
215	2.34	0.070	0.00	0.000	0.10	0.003	2.44	0.073
220	2.40	0.072	0.00	0.000	0.10	0.003	2.51	0.075
225	2.47	0.074	0.00	0.000	0.11	0.003	2.58	0.077
230	2.54	0.076	0.00	0.000	0.12	0.003	2.65	0.080
235	2.60	0.078	0.00	0.000	0.12	0.004	2.72	0.082
240	2.66	0.080	0.00	0.000	0.13	0.004	2.79	0.084
245	2.73	0.082	0.00	0.000	0.13	0.004	2.86	0.086
250	2.79	0.084	0.00	0.000	0.14	0.004	2.94	0.088
255	2.86	0.086	0.00	0.000	0.14	0.004	3.00	0.090
260	2.92	0.088	0.00	0.000	0.15	0.004	3.08	0.092
265	2.98	0.090	0.00	0.000	0.16	0.005	3.14	0.094
270	3.05	0.091	0.01	0.000	0.16	0.005	3.21	0.096
275	3.11	0.093	0.01	0.000	0.17	0.005	3.28	0.098
280	3.17	0.095	0.01	0.000	0.17	0.005	3.35	0.101
285	3.24	0.097	0.01	0.000	0.18	0.005	3.42	0.103
290	3.30	0.099	0.01	0.000	0.19	0.006	3.49	0.105
295	3.36	0.101	0.01	0.000	0.19	0.006	3.56	0.107
300	3.42	0.103	0.01	0.000	0.20	0.006	3.63	0.109



**BARGAIN AND SALE DEED**

In connection with the purchase and sale of the West half of the Southeast quarter of the Southeast quarter of Section 14, Township 11 South, Range 65 West of the 6th P.M.; excepting a perpetual easement for roadway, utilities, ingress and egress purposes over and across the North 40 feet, El Paso County, Colorado, also known as 10675 Hardy Road, Colorado Springs, CO 80920,, Colorado Springs, CO 80908, El Paso County, Colorado ("Property"), Carefree Properties, LLC, a Colorado Limited Liability Company ("Grantor") of the County of El Paso and State of Colorado, for ten dollars and other good and valuable consideration in hand paid, hereby sells and conveys to Andrea Rapson and William Rapson, as joint tenants ("Grantee"), whose address is 10870 Elizabeth Way, Colorado Springs, CO 80908 of the County of El Paso, and State of Colorado, the following water rights, to wit:

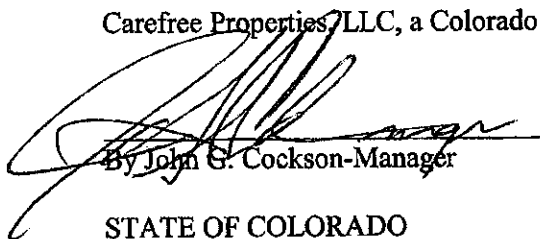
Those rights set forth in the Colorado Ground Water Commission Findings and Determination in Case Nos. 3637-BD (Dawson Aquifer and Replacement Plan), 3636-BD (Denver Aquifer), 3635-BD (Arapahoe Aquifer) and 3634-BD (Laramie-Fox Hills Aquifer).

TO HAVE AND TO HOLD together with any and all appurtenances and privileges, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the proper use and benefit of the Grantee, his heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this deed on this 30<sup>th</sup> day of December, 2019.

GRANTOR

Carefree Properties, LLC, a Colorado Limited Liability Company

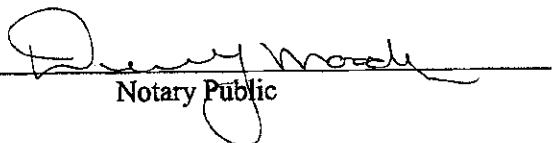
  
By John G. Cockson-Manager

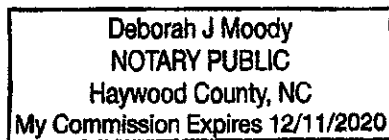
STATE OF COLORADO


COUNTY OF EL PASO

ss: The foregoing document was acknowledged before me this 30<sup>th</sup> day of December, 2020 by John G. Cockson as Manager of Carefree Properties, LLC.

My commission expires 12-11-2020.

  
Notary Public

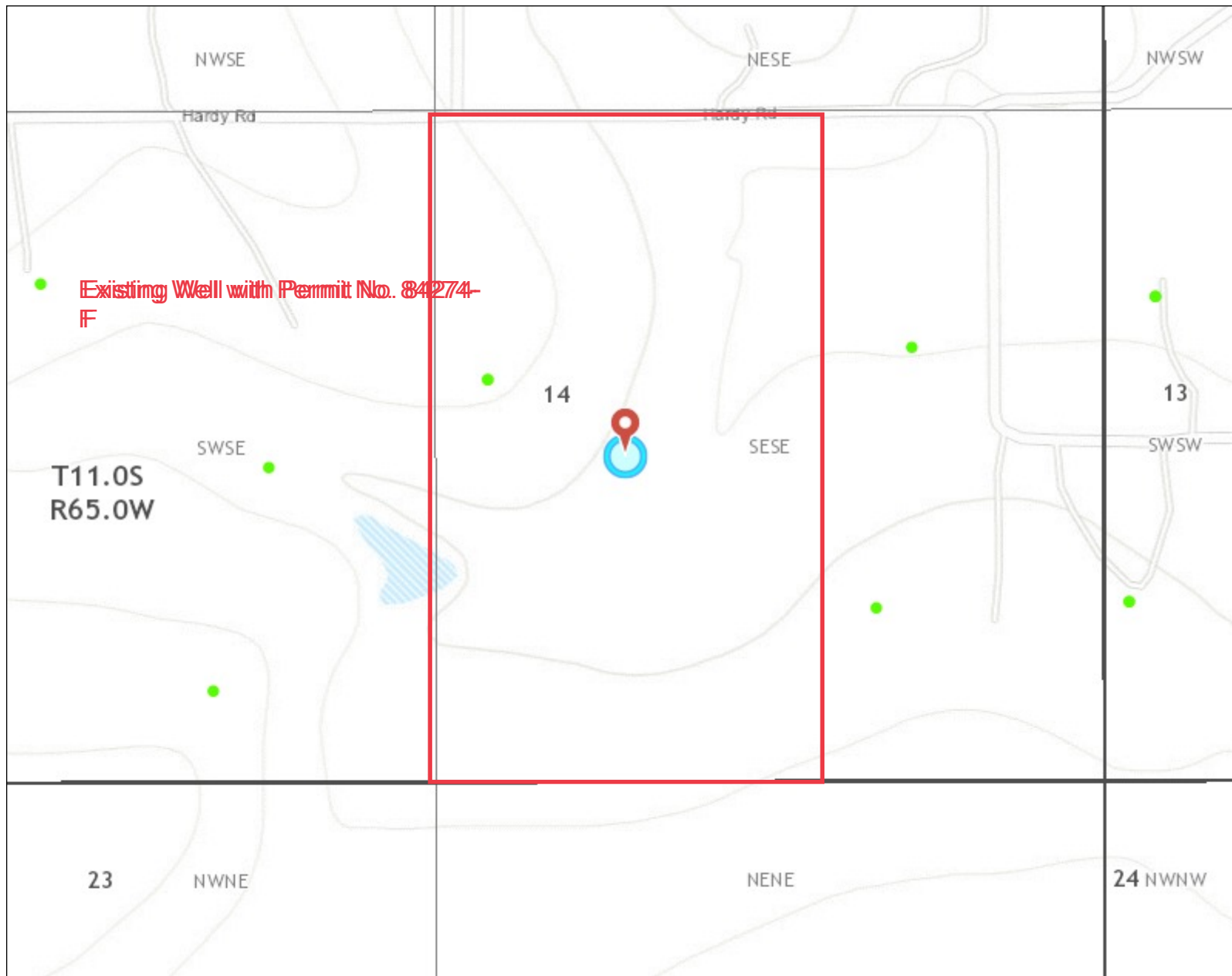


  
Unified  
THE COMPANY 694447C





## Approximate Location of Rapson Property



### Legend

- Well Constructed
- Township
- Section
- Q40
- County

### Location



### Notes

585 0 292 585 Feet

1: 3,508



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 8/26/2020 8:11:47 PM





## COLORADO

## Division of Water Resources

Department of Natural Resources

WELL PERMIT NUMBER 84274-F

RECEIPT NUMBER 10000223

ORIGINAL PERMIT APPLICANT(S)

ANDREA RAPSON

WILLIAM RAPSON

APPROVED WELL LOCATION

Water Division: 1

Water District: 1

Designated Basin:

KIOWA-BIJOU

Management District:

N/A

County:

EL PASO

Parcel Name:

N/A

Physical Address:

10675 HARDY RD COLORADO SPRINGS,  
CO 80908

AUTHORIZED AGENT

DANIELLE DOYLE

SE 1/4 SE 1/4 Section 14 Township 11.0 S Range 65.0 W Sixth P.M.

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

Easting: 531992.0      Northing: 4326608.0

# PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

### CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated January 31, 2019, for Determination of Water Right No. 3637-BD and its associated Replacement Plan.
- 4) The use of ground water from this well is limited to domestic use inside 2 single family dwellings, including the watering of domestic animals and livestock, and the irrigation of 1 acre of lawns and gardens. The place of use shall be limited to the 19.6 acre land area claimed in the above described Order of the Commission.
- 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 2 acre-feet, subject to the total annual withdrawal limitations and conditions as specified by the above referenced Order of the Commission.
- 7) This well must be constructed to withdraw water only from the Dawson aquifer. The total depth of the well shall not exceed 1035 feet, which corresponds to the base of the 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.
- 8) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Ground Water Commission upon request.
- 9) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Dawson aquifer.
- 11) **CONDITION REVOKED ON 06/26/2020 REPLACED BY CONDITION #12.**  
The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 12) This well will not be drilled deeper than the base of the Dawson aquifer, which is present at the surface, therefore a geophysical log would not provide DWR with data useful to the administration of ground water in this area. The requirement of Rule 9 of the Statewide Nontributary Ground Water Rules to geophysically log the entire length of the hole, is therefore waived.  
AML 06/26/2020



- 13) The return flows from the inhouse supply component of this well use have been claimed as a replacement source, pursuant to the Findings and Order of the Commission dated January 31, 2019. As a result, the return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

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.

NOTE: At the proposed well location, the Dawson aquifer is located at or near the ground surface and extends to a depth of approximately 1035 feet. Wells completed in the Dawson aquifer must be constructed in accordance with Well Construction Rule 10.4.6 (2 CCR 402-2) for a Type II aquifer.

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us>



Issued By SHANNON PORTER

Date Issued: 5/6/2020

Expiration Date: 5/6/2021

**PERMIT HISTORY**

06-26-2020 GEOPHYSICAL LOG WAIVED



**RCVD DWR**  
**08/27/2020**

## VERIFICATION OF NOTICE OF APPLICATION

This form is to be submitted with applications for the following.

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

2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin

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

<b>1. APPLICANT INFORMATION</b>			
Name of Applicant William Rapson			
Mailing Address 10870 Elizabeth Way	City Colorado Springs	State CO	Zip Code 80908
Telephone Number (include area code) 907-227-7290		Email rapson21@hotmail.com; cdc@cowaterlaw.com	
<b>2. AQUIFER</b> Dawson			
<b>3. NOTICE OF APPLICATION</b> – I hereby claim that I have given notice pursuant to section 37-90-137(4)(b.5), C.R.S., or Designated Basin Rule 5.3.2.2, or Designated Basin Rule 5.4.2.2, as applicable, of application for a well permit or determination of water right by registered or certified mail, return receipt requested, no less than ten days prior to the making of the application, to every record owner of the overlying land and to every person who has a lien or mortgage upon, or deed of trust to, the overlying land recorded in the county in which the overlying land is located.  The names of the persons that were given notice are listed below: Northpointe Bank, Loan Servicing, Suite 320, 3333 Deposit Drive NE, Grand Rapids, MI 49546-1467 _____ _____ _____ _____ _____			
<b>4. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.  Signature:  Date: <b>08/27/2020</b>  Print name and title: <b>William Rapson</b>			



RETURN RECORDED DOCUMENT TO:  
Andrea Jayne Rapson and William Clark Rapson  
P.O. Box 876104, Wasilla, AK 99687

Document Fee: \$39.50

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated 12<sup>th</sup> day of December, 2019, is made between Carefree Properties, LLC, a Colorado limited liability company ("Grantor"), of the County of El Paso and the State of Colorado.

AND

Andrea Jayne Rapson and William Clark Rapson ("Grantee"), of the County of El Paso and the State of Colorado., whose legal address is P.O. Box 876104, Wasilla, AK 99687. 10870 Elizabeth Way, Colo. Spgs., Co 80908

WITNESS, that the Grantor(s), for and in consideration of THREE HUNDRED NINETY FIVE THOUSAND AND 00/100 DOLLARS (\$395,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto the Grantee, JOINT TENANTS and the heirs, successors and assigns of the Grantee forever, all the real property, together with fixtures and improvements located thereon, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

The West half of the Southeast quarter of the Southeast quarter of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway, utilities, ingress and egress purposes over and across the North 40 feet, County of El Paso, State of Colorado.

ALSO KNOWN AS: 10675 Hardy Road, Colorado Springs, CO 80908

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(s), either in law or equity, of, in and to the above-bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, and the heirs, successors and assigns of the Grantee forever. The Grantor, for the Grantor and the heirs, successors and assigns of the Grantor, warrants title to the same against all persons claiming by, through or under the Grantor, subject to the Statutory Exceptions

EXECUTED AND DELIVERED by Grantor on the date first set forth above.

Carefree Properties, LLC, a Colorado limited liability company

By: John G. Cockson, Manager

State of : Colorado }  
County Of El Paso } ss.

The foregoing instrument was subscribed, sworn to, and acknowledged before me this December 12, 2019, by John G. Cockson, Manager of Carefree Properties, LLC, a Colorado limited liability company

My Commission expires: LISA A. SIMON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19894015751  
MY COMMISSION EXPIRES OCTOBER 29, 2021

Witness my hand and official seal.

Notary Public

\*\*If tenancy is unspecified, the legal presumption shall be tenants in common (C.R.S. 38-31-101)





**BARGAIN AND SALE DEED**

In connection with the purchase and sale of the West half of the Southeast quarter of the Southeast quarter of Section 14, Township 11 South, Range 65 West of the 6th P.M.; excepting a perpetual easement for roadway, utilities, ingress and egress purposes over and across the North 40 feet, El Paso County, Colorado, also known as 10675 Hardy Road, Colorado Springs, CO 80920,, Colorado Springs, CO 80908, El Paso County, Colorado ("Property"), Carefree Properties, LLC, a Colorado Limited Liability Company ("Grantor") of the County of El Paso and State of Colorado, for ten dollars and other good and valuable consideration in hand paid, hereby sells and conveys to Andrea Rapson and William Rapson, as joint tenants ("Grantee"), whose address is 10870 Elizabeth Way, Colorado Springs, CO 80908 of the County of El Paso, and State of Colorado, the following water rights, to wit:

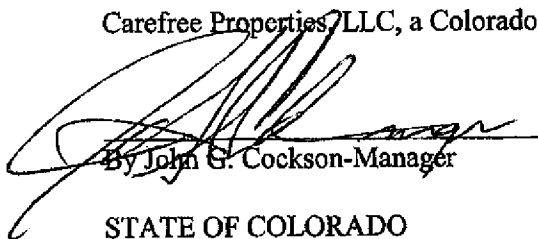
Those rights set forth in the Colorado Ground Water Commission Findings and Determination in Case Nos. 3637-BD (Dawson Aquifer and Replacement Plan), 3636-BD (Denver Aquifer), 3635-BD (Arapahoe Aquifer) and 3634-BD (Laramie-Fox Hills Aquifer).

TO HAVE AND TO HOLD together with any and all appurtenances and privileges, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the proper use and benefit of the Grantee, his heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this deed on this 30<sup>th</sup> day of December, 2019.

GRANTOR

Carefree Properties LLC, a Colorado Limited Liability Company

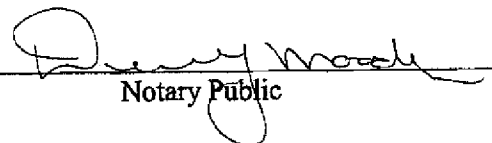
  
By John G. Cockson-Manager

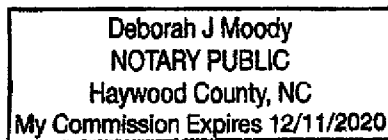
STATE OF COLORADO

COUNTY OF EL PASO

ss: The foregoing document was acknowledged before me this 30<sup>th</sup> day of December, 2020 by John G. Cockson as Manager of Carefree Properties, LLC.

My commission expires 12-11-2020.

  
Notary Public



694447C



**ATTACHMENT FOR AMENDMENT TO EXISTING REPLACEMENT PLAN**

Application of William Rapson, for Dawson Aquifer  
Summary of Amendment

Applicant seeks to amend the existing replacement plan (Determination No. 3637-BD) for use of the not-nontributary Upper Dawson aquifer underlying a tract of land in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 11 South, Range 65 West of the 6th P.M. described as follows:

The West $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado.

Applicant wishes to amend the prior replacement by removing any reference to lots or lot lines upon the property, but expressly does not seek any change to the modeling or engineering assumptions or data considered and contained in the original replacement plan approval. Applicant seeks to rely upon all prior engineering documentation as concerns this very minor amendment. In accordance with the existing approved replacement plan issued in 3637-BD, Applicant proposes to pump 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) from a total of 3 individual wells to be located on the above described property. The existing well with Permit No. 84274-F will be re-permitted pursuant to the approved amended replacement plan.

Maximum annual depletions have been previously determined in the prior approval to amount to 4.7% of actual pumping in the 100th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in-house use. A minimum of 0.25 annual acre-feet will be used for in-house use in at least one single-family home, resulting in septic return flows of 0.225 acre-feet annually. The remainder of the pumping will be used for other accessory uses of landscape/lawn and garden irrigation, and for watering of domestic animals and livestock. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.225 acre-feet, or 14% of pumping, exceeding the maximum depletion of 0.14 acre-feet, or 4.7% of pumping. Applicant anticipates the use of up to two additional wells to supply domestic type uses and associated accessory uses as described above in multiple accessory dwellings and outbuildings. However, septic return flows from use of water in the existing single family dwelling adequately replace depletions from the pumping of all wells.



The water quality in the Dawson aquifer in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits. There is a general acceptance of suitable and sufficient water quality for residences utilizing Denver Basin groundwater supplies. All wells will meet all applicable regulatory requirements regarding quality testing before being utilized as a residential and consequently, replacement water source. The septic system(s) will be evaluated and installed according to applicable Guidelines, including those of the El Paso County Department of Health and Human Services, and properly maintained to prevent contamination of surface and subsurface water resources. All water pumped from the well(s) will be metered to ensure no water beyond that permitted is pumped. The replacement water consists of septic return flows, conservatively estimated as being 90% of water utilized in-house.

Estimated cost of construction and infrastructure amounts to \$300,000. Development of accessory buildings and uses will begin immediately upon approval of this amended Replacement Plan, to be completed prior to 2021.

Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.225 acre-feet, or 14% of pumping, exceeding the maximum depletion of 0.14 acre-feet, or 4.7% of pumping over the 100-year life of the replacement plan.



**ATTACHMENT FOR AMENDMENT TO EXISTING REPLACEMENT PLAN**

Application of William Rapson, for Dawson Aquifer  
Summary of Amendment

Applicant seeks to amend the existing replacement plan (Determination No. 3637-BD) for use of the not-nontributary Upper Dawson aquifer underlying a tract of land in the SE¼ SE¼ of Section 14, Township 11 South, Range 65 West of the 6th P.M. described as follows:

The West½ of the SE¼ of the SE¼ of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado.

Applicant wishes to amend the prior replacement to replace three (3) lots and wells with 2 (two) lots and wells, and expressly does not seek any change to the modeling or engineering assumptions or data considered and contained in the original replacement plan approval. Applicant seeks to rely upon all prior engineering documentation as concerns this very minor amendment. In accordance with the existing approved replacement plan issued in 3637-BD, Applicant proposes to pump 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) from a total of 2 individual wells to be located on the above described property. The existing well with Permit No. 84274-F will be re-permitted pursuant to the approved amended replacement plan.

Maximum annual depletions have been previously determined in the prior approval to amount to 3.46 of actual pumping in the 300th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in-house use. A minimum of 0.20 annual acre-feet will be used for in-house use in at least one single-family home, resulting in septic return flows of 0.18 acre-feet annually. The remainder of the pumping will be used for other accessory uses of landscape/lawn and garden irrigation, replacement, and for watering of domestic animals and livestock. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.18 acre-feet, or 6% of pumping, exceeding the maximum depletion of 0.104 acre-feet, or 3.46% of pumping. Applicant anticipates the use of up to two wells on the above described property to supply domestic type uses and associated accessory uses as described above, in multiple accessory dwellings and outbuildings. However, septic return flows from use of water in the existing single family dwelling adequately replace depletions from the pumping of both wells.



The water quality in the Dawson aquifer in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits. There is a general acceptance of suitable and sufficient water quality for residences utilizing Denver Basin groundwater supplies. All wells will meet all applicable regulatory requirements regarding quality testing before being utilized as a residential and consequently, replacement water source. The septic system(s) will be evaluated and installed according to applicable Guidelines, including those of the El Paso County Department of Health and Human Services, and properly maintained to prevent contamination of surface and subsurface water resources. All water pumped from the well(s) will be metered to ensure no water beyond that permitted is pumped. The replacement water consists of septic return flows, conservatively estimated as being 90% of water utilized in-house.

Estimated cost of construction and infrastructure amounts to \$300,000. Development of accessory buildings and uses will begin immediately upon approval of this amended Replacement Plan, to be completed prior to 2021.

Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.18 acre-feet, or 6% of pumping, exceeding the maximum depletion of 0.104 acre-feet, or 3.46% of pumping over the 300-year life of the replacement plan.



**William Rapson Replacement Plan No. 2 (3637-BD)**

*Return Flow Calculations*

Use for development	Applicant's estimated pumping requirement (af/yr)	Pumping amount allowed for calculating return flows (af/yr)	Return Flow (%)	Return Flow (af/yr)
In-house Use	0.2	0.2	90	0.180
Irrigation, domestic animal watering, and livestock	2.8	-	-	
<b>Total</b>	<b>3.0</b>			<b>0.180</b>
Depletion at 300 years (%)				3.46
Depletion at 300 years based on pumping 3 acre-foot per year (af)				0.104

Created by Ground Water Commission Staff: Wenli Dickinson on August 27, 2020





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## Rapson Replacement Plan

14 messages

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**Emilie Polley** <ebp@cowaterlaw.com>

Thu, Aug 20, 2020 at 1:07 PM

To: "Dickinson - DNR, Wenli" <wenli.dickinson@state.co.us>

Cc: Chris Cummins <cdc@cowaterlaw.com>

Hi Wenli,

I hope you are doing well and staying safe and healthy!

One of our clients, Bill Rapson, I believe has been in communication with you regarding his current Replacement Plan (3637-BD). If possible, I would like to speak with you about a couple of questions I have regarding the replacement plan, but I do know that the DWR staff is working remotely through the end of the year. Do you have some time tomorrow or early next week to chat a bit about amending his existing replacement plan?

Thank you,

Emilie B. Polley

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

[ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com)

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



**COVID-19 Notice:** Out of an abundance of caution and in furtherance of COVID-19 Colorado State protocols to limit spread of the disease, I will be working from home regularly and to the furthest extent possible. I will not be checking voicemail regularly. E-mail will be the best way to contact me. Thank you for your patience during this time.

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---

**Dickinson - DNR, Wenli** <wenli.dickinson@state.co.us>  
To: Emilie Polley <ebp@cowaterlaw.com>  
Cc: Chris Cummins <cdc@cowaterlaw.com>

Thu, Aug 20, 2020 at 1:13 PM

Hi Emilie,

I would be available next week Monday through Wednesday, or Thursday morning to schedule a time to call. Is (719) 471-1212 a good number to call you at?

Bill has emailed myself, Keith, and Shannon regarding his application. To keep you in the loop, attached is everything we have discussed so far. He has submitted an application, but did not include a report to his application describing the proposed changes.

Thanks,

Wenli Dickinson  
Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources





P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203  
[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]

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**4 attachments**

-  **State.co.us Executive Branch Mail - Fwd\_ 2nd well.pdf**  
148K
-  **State.co.us Executive Branch Mail - Rapson - Replacement Plan Application (receipt no. 10004706).pdf**  
162K
-  **State.co.us Executive Branch Mail - Fwd\_ BD-3637.pdf**  
181K
-  **State.co.us Executive Branch Mail - Re\_ Rapson - Replacement Plan Application (receipt no. 10004706).pdf**  
265K

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**Emilie Polley** <ebp@cowaterlaw.com>  
To: "Dickinson - DNR, Wenli" <wenli.dickinson@state.co.us>  
Cc: Chris Cummins <cdc@cowaterlaw.com>

Thu, Aug 20, 2020 at 3:32 PM

Wenli,

Thank you for attaching the correspondence concerning the application/replacement plan. I have wide open availability and will be in the office Tuesday morning (the number in my signature is perfect!). How does 9:30 sound?



Thank you,

Emilie B. Polley

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

[ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com)

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



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**Dickinson - DNR, Wenli** <wenli.dickinson@state.co.us>  
To: Emilie Polley <ebp@cowaterlaw.com>  
Cc: Chris Cummins <cdc@cowaterlaw.com>

Thu, Aug 20, 2020 at 3:45 PM



Hi Emilie,

9:30 on Tuesday works for me.

Thanks,

Wenli Dickinson  
Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203  
[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]

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**Emilie Polley** <ebp@cowaterlaw.com>  
To: "Dickinson - DNR, Wenli" <wenli.dickinson@state.co.us>  
Cc: Chris Cummins <cdc@cowaterlaw.com>

Thu, Aug 20, 2020 at 3:46 PM

Wenli,

Sounds great. I'll wait for a call from you then!

[Quoted text hidden]

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**Emilie Polley** <ebp@cowaterlaw.com>  
To: "Dickinson - DNR, Wenli" <wenli.dickinson@state.co.us>  
Cc: Chris Cummins <cdc@cowaterlaw.com>, Maria Gray <mcg@cowaterlaw.com>

Thu, Aug 27, 2020 at 1:27 PM

Hi Wenli,

Please find attached the Amended Replacement Plan Application, with the necessary reports and documents, that Mr. Rapson filed on July 16<sup>th</sup>. I have included the information requested pursuant to our conversation earlier this week. Please let me know if you need any additional information or have any concerns.

Thank you!

[Quoted text hidden]

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 **Amended Replacement Plan App.pdf**  
2892K

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**Emilie Polley** <ebp@cowaterlaw.com>  
To: "Dickinson - DNR, Wenli" <wenli.dickinson@state.co.us>

Thu, Aug 27, 2020 at 1:59 PM



I neglected to include the publication notice—please find that attached here.

Emilie B. Polley

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

[ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com)

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



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---

**From:** Emilie Polley  
**Sent:** Thursday, August 27, 2020 1:27 PM  
**To:** 'Dickinson - DNR, Wenli'  
**Cc:** Chris Cummins; Maria Gray  
**Subject:** RE: Rapson Replacement Plan

Hi Wenli,

Please find attached the Amended Replacement Plan Application, with the necessary reports and documents, that Mr. Rapson filed on July 16<sup>th</sup>. I have included the information requested pursuant to our conversation earlier this week. Please let me know if you need any additional information or have any concerns.



Thank you!

Emilie B. Polley

[Quoted text hidden]



**ATTACHMENT FOR AMENDMENT TO EXISTING REPLACEMENT PLAN 8-28.docx**  
17K

**Dickinson - DNR, Wenli** <wenli.dickinson@state.co.us>  
To: Emilie Polley <ebp@cowaterlaw.com>

Fri, Aug 28, 2020 at 8:00 AM

Hi Emilie,

Thank you for sending the updated report and summary for publication. I will review these and let you know if I have any questions.

Best,

Wenli Dickinson  
Water Resource Engineer



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203  
[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]

**Dickinson - DNR, Wenli** <wenli.dickinson@state.co.us>  
To: Emilie Polley <ebp@cowaterlaw.com>

Wed, Sep 9, 2020 at 4:01 PM

Hi Emilie,

We had the following questions / concerns regarding the amended replacement plan:

- Please clarify what changes are being made. The summary states that only the details about lots will be removed, but the demand for domestic use, return flow, and possibly the pumping period seem to have changed:
  - Clarify the demand for domestic use. It sounds like you are proposing to increase the amount of in-house domestic use from 0.2 af/yr to 0.25 af/yr (and therefore increasing return flows).
  - Clarify the pumping period. The summary of the plan cites pumping / depletions at 100 years, but the original plan is for 300 years. Please clarify if you are changing the pumping period to 100 years and provide modelling for a 100-year pumping period, or if the pumping period is still 300 years and amend the summary to reference the depletions at 300 years.
  - If you are proposing to remove "replacement" as an allowed use in the plan. The original plan says "Each Dawson aquifer well may divert 1.0 acre-feet of water annually for use in 1 single family residence, landscape/ lawn and garden irrigation, watering of domestic animals, livestock and **replacement**", but the summary says uses will be for "inhouse use in at least one single-family home....The remainder of the pumping will be used for other accessory uses of landscape/lawn and garden irrigation, and for watering of domestic animals and livestock."
- Please submit a permit application to re-permit well no. 84274-F. The replacement plan under which the well currently operates would no longer be valid once the amended plan is approved and therefore the well will have



- to be re-permitted
- Please update the summary for publication accordingly.

Let me know if you have any questions.

Sincerely,

**Wenli Dickinson**  
Water Resource Engineer



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203  
[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]

---

**Emilie Polley** <ebp@cowaterlaw.com>  
To: "Dickinson - DNR, Wenli" <wenli.dickinson@state.co.us>

Tue, Sep 22, 2020 at 11:25 AM

Hi Wenli,

Thank you for sending your questions over. I have attached a revised replacement plan summary addressing your questions and concerns and reflecting the engineering and assumptions from the original application.

Also, we generally submit the well permit application for re-permitting after approval of the replacement plan. Do I still need to send that well permit application in prior to approval?

[Quoted text hidden]



**ATTACHMENT FOR AMENDMENT TO EXISTING REPLACEMENT PLAN 9-22.docx**  
17K

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**Dickinson - DNR, Wenli** <wenli.dickinson@state.co.us>  
To: Emilie Polley <ebp@cowaterlaw.com>

Tue, Sep 22, 2020 at 5:51 PM

Hi Emilie,

Thank you for your email. I will review the revised summary and let you know if I have any questions.

Best,

**Wenli Dickinson**  
Water Resource Engineer



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203



*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]

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**Dickinson - DNR, Wenli** <[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us)>  
To: Emilie Polley <[ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com)>

Thu, Sep 24, 2020 at 4:33 PM

Hi Emilie,

Thank you for your patience.

I had the following comments:

1. In the correspondence from the original replacement plan, it was agreed upon to use the more accurate depletion numbers than the original numbers provided in the report dated October 13, 2018 (those numbers 3.17%, 0.095 af/yr). My modeling shows 3.46%, 0.104 af/yr, attached. Would you like to amend these numbers?
2. It seems my other questions were answered, thank you. Only the lot line specification is being removed and it appears all other details (uses, demand, and pumping period) remain the same.
3. Yes, please submit a well permit application prior to approval. We will only process the application if the amended replacement plan is approved. I will wait until I receive confirmation that a well permit application has been submitted to move forward with the applications.

Let me know if you have any questions.

Best,

Wenli Dickinson  
Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203  
[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]

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**3 attachments**



**8\_Summary for Publication 2020-09-22\_wad comments.docx**  
18K



**2\_Exhibit A.pdf**  
146K



**GWS-45 General Purpose Water Well Permit Application.pdf**  
212K

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**Emilie Polley** <[ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com)>  
To: "Dickinson - DNR, Wenli" <[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us)>

Fri, Sep 25, 2020 at 11:26 AM

Hi Wenli,



I just spoke with my client, and due to County restrictions, we are going to change the approach for the amendment. Rather than removing all lot lines, the amendment will simply request two lots and two wells. All other information contained in the summary is the same. I've also attached the well permit application to re-permit the existing well.

[Quoted text hidden]

---

## 2 attachments



**2020-9-25 Summary for Publication.docx**  
19K



**Well Permit App.pdf**  
277K

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**Dickinson - DNR, Wenli** <wenli.dickinson@state.co.us>  
To: Emilie Polley <ebp@cowaterlaw.com>

Fri, Sep 25, 2020 at 12:54 PM

Hi Emilie,

Thank you for providing the updated summary. I will let you know if I have any questions.  
Could you please submit the well permit application to [DWRpermitsonline@state.co.us](mailto:DWRpermitsonline@state.co.us) so it can be filed properly?

Best,

Wenli Dickinson  
Water Resource Engineer



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

P 303.866.3581 x8206  
1313 Sherman St, Suite 821, Denver, CO 80203  
[wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

*Due to COVID-19, I am currently working remotely. Please contact me via email.*

[Quoted text hidden]





## COLORADO

### Division of Water Resources

Department of Natural Resources

Colorado Ground Water Commission

November 6, 2020

William Rapson

[rapson21@hotmail.com](mailto:rapson21@hotmail.com)

**RE: An application for a replacement plan to allow the withdrawal of groundwater from the Dawson aquifer in accordance with Determination of Water Right No. 3637-BD., Receipt No. 10004706**

Dear Applicant:

Enclosed is a copy of the legal notice to be published in the Ranchland News newspaper as required for the above described application. If you find any errors or omissions in the notice, please contact this office by phone as soon as possible so that corrections may be made prior to publication. This office will bill you at a later time for the actual cost of this publication.

If you have any questions concerning these applications, please contact me at this office at (303) 866-3581 x8206 or [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us).

Sincerely,

Wenli Dickinson  
Water Resource Engineer  
Designated Basins Branch

Enclosures: a/s







**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

Colorado Ground Water Commission

November 12, 2020

Ranchland News  
[ranchland@big sandytelco.com](mailto:ranchland@big sandytelco.com)

**Applicant: William Rapson**

*-EMAIL- DOCUMENT TRANSFER-*

Please publish the enclosed legal notice in your editions of **November 19, 2020 and November 26, 2020**, or as close to these dates as possible. Please single-space all the enclosed material in your standard single column legal notice format. Font size shall not be less than six-point type and not more than nine-point in size.

Prior to publishing the legal notice, a proof copy must be submitted to this office for approval. The Ground Water Commission staff will inspect the proof copy and a reply as to its correctness will be made immediately by phone or email to your office. The proof copy must be directed via email to: [wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us).

The state Controller and the State Purchasing Agent require that a copy of the billing and a copy of the proof of publication affidavit must be received in order to process billing invoices for legal notice publications. The proof of publication must be notarized.

Since we must re-bill the applicant prior to the official action concerning their application request, please transmit the billing copies together with the proofs of publication as soon as possible.

Should you have any questions concerning publication of this notice, please contact this office.

Sincerely,

Wenli Dickinson  
Water Resource Engineer  
Designated Basins Branch

Enclosure (a/s)





BEFORE THE COLORADO GROUND WATER COMMISSION

---

KIOWA-BIJOU DESIGNATED GROUNDWATER BASIN - EL PASO COUNTY

---

TAKE NOTICE that pursuant to section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1, William Rapson has submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary groundwater from the Dawson Aquifer within the Kiowa-Bijou Designated Basin. The applicant has submitted the following summary of the plan for publication.

Applicant seeks to amend the existing replacement plan (Determination No. 3637-BD) for use of the not-nontributary Upper Dawson aquifer underlying a tract of land in the SE 1/4 SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M. described as follows: The West 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M.; excepting a perpetual easement for roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado.

Applicant wishes to amend the prior replacement to replace three (3) lots and wells with 2 (two) lots and wells, and expressly does not seek any change to the modeling or engineering assumptions or data considered and contained in the original replacement plan approval. Applicant seeks to rely upon all prior engineering documentation as concerns this very minor amendment. In accordance with the existing approved replacement plan issued in 3637-BD, Applicant proposes to pump 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) from a total of 2 individual wells to be located on the above described property. The existing well with Permit No. 84274-F will be re-permitted pursuant to the approved amended replacement plan.

Maximum annual depletions have been previously determined in the prior approval to amount to 3.46 of actual pumping in the 300th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in-house use. A minimum of 0.20 annual acre-feet will be used for in-house use in at least one single-family home, resulting in septic return flows of 0.18 acre-feet annually. The remainder of the pumping will be used for other accessory uses of landscape/lawn and garden irrigation, replacement, and for watering of domestic animals and livestock. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.18 acre-feet, or 6% of pumping, exceeding the maximum depletion of 0.104 acre-feet, or 3.46% of pumping. Applicant anticipates the use of up to two wells on the above described property to supply domestic type uses and associated accessory uses as described above, in multiple accessory dwellings and outbuildings. However, septic return flows from use of water in the existing single family dwelling adequately replace depletions from the pumping of both wells.

The water quality in the Dawson aquifer in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits. There is a general acceptance of suitable and sufficient water quality for residences utilizing Denver Basin groundwater supplies. All wells will meet all applicable regulatory requirements regarding quality testing before being utilized as a residential and consequently, replacement water source. The septic system(s) will be evaluated and installed according to applicable Guidelines, including those of the El Paso County Department of Health and Human Services, and properly maintained to prevent contamination of surface and subsurface water resources. All water pumped from the well(s) will be metered to ensure no water beyond that permitted is pumped. The replacement water consists of septic return flows, conservatively estimated as being 90% of water utilized in-house.



Estimated cost of construction and infrastructure amounts to \$300,000. Development of accessory buildings and uses will begin immediately upon approval of this amended Replacement Plan, to be completed prior to 2021.

Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.18 acre-feet, or 6% of pumping, exceeding the maximum depletion of 0.104 acre-feet, or 3.46% of pumping over the 300-year life of the replacement plan.

The replacement plan is being considered for approval by the Commission in accordance with section 37-90-107.5, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells that are located in the alluvial aquifer of Kiowa Creek.

The application is published as required by statute and does not imply favorable consideration by the Commission or its Staff, or approval of the proposed plan in its present form.

Any person wishing to object to the approval of the amended replacement plan must do so in writing, briefly stating the nature of the objection, the name of the applicant, and a general description of the property. The objection, including a required \$10 fee per application being objected to, must be received by the Colorado Ground Water Commission by December 26, 2020. Objections should be sent via email to [DWRpermitsonline@state.co.us](mailto:DWRpermitsonline@state.co.us), upon which the objector will be emailed an invoice for paying the fee online. If the objector is unable to provide the objection via email please contact 303-866-3581.





**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

# INVOICE

11/30/2020

Order Number: 4679

Pursuant to Section 37-90-116, C.R.S., applicants are required to pay for the actual expenses of publication. Your application(s) for Replacement Plan were published in Ranchland News on 11/19/2020 and 11/26/2020. Copies of the affidavit of publication and the invoice from the newspaper are accessible from the links below and are provided for your records.

The total publication expense was \$113.27.

To make the payment for this invoice, please visit our [Online Payment Portal](#).

A third-party payment processing fee will be added to the total price at checkout. The third-party service fee for electronic check is **\$1.00**. If you pay by credit card your fee will be **\$3.32** for this order. This amount will be included in the total price on your receipt. If you are unable to make payment online, please visit our website to view [alternative payment methods](#). Fees are nonrefundable.

Your application cannot be considered for approval until these charges are paid.

If you have any questions regarding this invoice, please contact:

WENLI DICKINSON  
WENLI.DICKINSON@STATE.CO.US  
Main Office  
1313 SHERMAN ST, STE 821  
DENVER, CO, 80203  
(303) 866-3581

Enclosures: a/s





# PUBLISHER'S AFFIDAVIT

STATE OF COLORADO )  
COUNTY OF ELBERT ) ss.

I, Jenna 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;

November 19, 2020

and the last publication of said notice was in the issue of said newspaper dated;  
November 26, 2020

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.

*Jenna 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

26 day of November, 2020

*Nikki Lister*

Notary Public

April 15, 2024

(My Notary Public Commission Expiration Date)

NICHOLE LISTER  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20204013793  
MY COMMISSION EXPIRES APR 15, 2024

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

KIOWA-BIJOU DESIGNATED GROUNDWATER BASIN - EL PASO COUNTY

TAKE NOTICE that pursuant to section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1, William Rapson has submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary groundwater from the Dawson Aquifer within the Kiowa-Bijou Designated Basin. The applicant has submitted the following summary of the plan for publication.

Applicant seeks to amend the existing replacement plan (Determination No. 3637-BD) for use of the not-nontributary Upper Dawson aquifer underlying a tract of land in the SE 1/4 SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M. described as follows: The West 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M.; excepting a perpetual easement for roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado.

Applicant wishes to amend the prior replacement to replace three (3) lots and wells with 2 (two) lots and wells, and expressly does not seek any change to the modeling or engineering assumptions or data considered and contained in the original replacement plan approval. Applicant seeks to rely upon all prior engineering documentation as concerns this very minor amendment. In accordance with the existing approved replacement plan issued in 3637-BD, Applicant proposes to pump 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) from a total of 2 individual wells to be located on the above described property. The existing well with Permit No. 84274-F will be re-permitted pursuant to the approved amended replacement plan.

Maximum annual depletions have been previously determined in the prior approval to amount to 3.46 of actual pumping in the 300th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in-house use. A minimum of 0.20 annual acre-feet will be used for in-house use in at least one single-family home, resulting in septic return flows of 0.18 acre-feet annually. The remainder of the pumping will be used for other accessory uses of landscape/lawn and garden irrigation, replacement, and for watering of domestic animals and livestock. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.18 acre-feet, or 6% of pumping, exceeding the maximum depletion of 0.104 acre-feet, or 3.46% of pumping. Applicant anticipates the use of up to two wells on the above described property to supply domestic type uses and associated accessory uses as described above, in multiple accessory dwellings and outbuildings. However, septic return flows from use of water in the existing single family dwelling adequately replace depletions from the pumping of both wells.

The water quality in the Dawson aquifer in this area is well established as being suitable for potable use with only in-house filtration for mineral deposits. There is a general acceptance of suitable and sufficient water quality for residences utilizing Denver Basin groundwater supplies. All wells will meet all applicable regulatory requirements regarding quality testing before being utilized as a residential and consequently, replacement water source. The septic system(s) will be evaluated and installed according to applicable Guidelines, including those of the El Paso County Department of Health and Human Services, and properly maintained to prevent contamination of surface and subsurface water resources. All water pumped from the well(s) will be metered to ensure no water beyond that permitted is pumped. The replacement water consists of septic return flows, conservatively estimated as being 90% of water utilized in-house.

Estimated cost of construction and infrastructure amounts to \$300,000. Development of accessory buildings and uses will begin immediately upon approval of this amended Replacement Plan, to be completed prior to 2021.

Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.18 acre-feet, or 6% of pumping, exceeding the maximum depletion of 0.104 acre-feet, or 3.46% of pumping over the 300-year life of the replacement plan.

The replacement plan is being considered for approval by the Commission in accordance with section 37-90-107.5, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells that are located in the alluvial aquifer of Kiowa Creek.

The application is published as required by statute and does not imply favorable consideration by the Commission or its Staff, or approval of the proposed plan in its present form.

Any person wishing to object to the approval of the amended replacement plan must do so in writing, briefly stating the nature of the objection, the name of the applicant, and a general description of the property. The objection, including a required \$10 fee per application being objected to, must be received by the Colorado Ground Water Commission by December 26, 2020. Objections should be sent via email to DWRpermitonline@state.co.us, upon which the objector will be emailed an invoice for paying the fee online. If the objector is unable to provide the objection via email please contact 303-866-3581.

First Publication November 19, 2020

Final Publication November 26, 2020

In Ranchland News

Legal No. 338

RCVD DWR  
11/30/2020



Ranchland News

PO Box 307

Simla, CO 80835

719-541-2288

ranchland@bigsandytelco.com

RCVD DWR

11/30/2020

# Invoice

Date	Invoice #
11/19/2020	45896

Bill To
Colorado Ground Water Commission 1313 Sherman Street, Room 818 Denver, CO 80203

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
135	Legal- 11.5 picas	0.494	66.69
135	Legal- 11.5 picas- rerun	0.345	46.58
	Legal 338		
		<b>Total</b>	\$113.27





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## Payment Received for Designated Basin Publication Ref: 21-PUB-44

1 message

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**noreply@state.co.us** <noreply@state.co.us>

Tue, Dec 1, 2020 at 3:45 PM

Reply-To: noreply@state.co.us

To: wenli.dickinson@state.co.us

Dear Evaluator,

[james.curry@state.co.us](mailto:james.curry@state.co.us) has collected payment for GWC Invoice Number: 21-PUB-44 for a newspaper publication. Below are the details of the payment.

### Payment Details

GWC Invoice Number: 21-PUB-44

Applicant Name: William Rapson

Application Receipt No: 10004706

Publishing Newspaper: Ranchland News

Reason for Publication: Replacement Plan

Payment Date: 12/01/2020

### Payment Amounts

Newspaper Invoice Amount: 113.27

Payment Processing Fee: 3.32

Total Paid: 119.91

Should you require additional information regarding this payment, please reference RMS Order Number 4679.

Thanks!



**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

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DETERMINATION NO.: 3637-BD

AQUIFER: Dawson

APPLICANT: Carefree Properties, LLC

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

**FINDINGS**

1. The application was received by the Colorado Ground Water Commission on October 23, 2018.
2. The Applicant requests a determination of right to designated ground water in the Dawson Aquifer (hereinafter "Aquifer") underlying 19.6 acres, generally described as part of the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth P.M., in El Paso County. According to a signed Ownership Statement dated October 22, 2018, attached hereto as Exhibit A, the Applicant owns the 19.6 acres of land, which are further described in said Ownership Statement (hereinafter "Overlying Land"), and claims control of the right to the ground water in the Aquifer underlying this land (hereinafter "Underlying Ground Water").
3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Ground Water Basin. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction over the ground water that is the subject of this Determination.
4. The Commission Staff has evaluated the application relying on the claims to control of the Underlying Ground Water in the Aquifer made by the Applicant.
5. The Applicant intends to apply the Underlying Ground Water to the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The Applicant's proposed place of use of the Underlying Ground Water is the above described 19.6 acres of overlying land.
6. The application requests the maximum allowable annual amount of Underlying Ground Water from beneath the Overlying Land.
7. The quantity of water in the Aquifer underlying the 19.6 acres of Overlying Land claimed by the applicant is 1,670 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
  - a. The average specific yield of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 20 percent.



- b. The average thickness of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 425 feet.
8. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the Aquifer that could be allocated from beneath the Overlying Land would be 16.7 acre-feet per year.
9. A review of the records in the Office of the State Engineer has disclosed that none of the Underlying Ground Water in the Aquifer beneath the Overlying Land has been previously allocated or permitted for withdrawal.
10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the land claimed by the Applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the Underlying Ground Water is considered to be not-nontributary ground water. Withdrawal of water from the Aquifer underlying the claimed land area would impact the alluvial aquifer(s) of Kiowa Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to Section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on this land area to withdraw the Underlying Ground Water from the Aquifer.
13. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 20, 2018 and December 27, 2018. No objections to the application were received within the time limit set by statute.

#### **ORDER**

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Dawson Aquifer underlying 19.6 acres of land, generally described as part of the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth P.M., further described in Exhibit A, is approved subject to the following conditions:




14. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 16.7 acre-feet.
15. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 1,670 acre-feet.
16. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of Underlying Ground Water that may be withdrawn from the Aquifer to conform to actual Aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
17. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of Underlying Ground Water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
18. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
19. Commission approval of a replacement plan, providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers, is required prior to approval of well permits that allow the withdraw of the Underlying Ground Water.
20. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The place of use shall be limited to the above described 19.6 acres of Overlying Land. The ground water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission.
21. Approval of this determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
22. Wells withdrawing the allowed amount of Underlying Ground Water allocated herein are subject to the following conditions:
  - a. The wells must be located on the above described 19.6 acres of Overlying Land.
  - b. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - c. The wells must be constructed to withdraw water from only the Dawson Aquifer.



- d. The entire depth of each well must be geophysically logged prior to installing the casing as forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission.
  - f. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
23. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 19.6 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.
24. The ground water right determined herein is a vested property right with specific ownership. The ground water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of ground water that is being conveyed.

Dated this 31st day of January, 2019.

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

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

Prepared by: aat  
F&O3637-BD.doc



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NOV 16 2018

Form GWS-1 (08/2016)

WATER RESOURCES  
STATE ENGINEER COLO.

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

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**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Upper Dawson

I (we) ~~(Please Print)~~ John Cookson, as Managing Member of Carefree Properties, LLC  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
19.6 acres in the County of El Paso, State of Colorado,  
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the  
land is located. (insert the property's legal description)

A tract of land in the SE ¼ SE ¼ of Section 14, Township 11 South,  
Range 65 West of the 6th P.M. more specifically described as follows:

The West 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11  
South, Range 65 West of the 6th P.M.; Excepting a perpetual easement  
for roadway utilities, ingress and egress purposes over and across the  
north 40 feet, County of El Paso, State of Colorado

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

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

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

Signature

Date

10/22/18

Signature

Date

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



COLORADO GROUND WATER COMMISSION  
DIVISION OF WATER RESOURCES  
DEPARTMENT OF NATURAL RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
(303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)

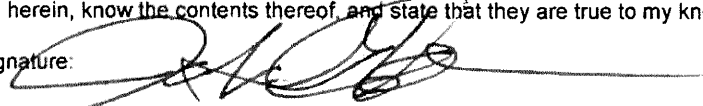
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OCT 23 2018

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

This application may only be used to apply for a determination of right to ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer underlying land area located within a Designated Ground Water Basin. A separate form must be used for each aquifer. 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. Type or print in black ink.

<b>1. APPLICANT INFORMATION</b>	
Name of Applicant Carefree Properties, LLC (c/o John Cockson)	
Mailing Address PO Box 88354, Colorado Springs, CO 80908	
Telephone Number (include area code) 719-495-6806	Email blackforester9@msn.com cdc@cowaterlaw.com
<b>2. AQUIFER:</b> Upper Dawson	<b>3. AMOUNT OF OVERLYING LAND:</b> 19.6 acres
<b>4. OVERLYING LAND OWNERSHIP OR UNDERLYING WATER RIGHT OWNERSHIP DOCUMENTATION – A</b> Nontributary Ground Water Landownership Statement (form GWS-1) or Nontributary Ground Water Consent Claim (form GWS-3A) that includes a description of the overlying land must be submitted as an attachment to the application. (see attachment)	
<b>5. EXISTING WELLS –</b> Are there any wells located on the overlying land? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> (see attachment)  If yes: 1) Provide a complete list of all wells located on the overlying land as an attachment to this application; and 2) For all wells producing from the subject aquifer indicate whether the well will continue to operate under its existing well permit or water right, or whether the well is to be re-permitted to withdraw the ground water being allocated by the Determination of Water Right.	
<b>6. AMOUNT OF GROUND WATER –</b> Indicate one of the following, being the amount of ground water requested to be allocated for subsequent well permitting and withdrawal pursuant to the determination, on the basis of an aquifer life of 100 years. If less than the maximum available allocation is requested, an attachment must be provided identifying how the excluded water will be allocated (i.e. distributed) beneath the overlying land.  <input checked="" type="checkbox"/> Maximum allocation <input type="checkbox"/> Maximum allocation excluding _____ acre-feet annually <input type="checkbox"/> Specific allocation of _____ acre-feet annually	
<b>7. TYPE OF USE –</b> Description of intended beneficial uses of the ground water (see attachment)	
<b>8. PLACE OF USE –</b> The intended place of use of the ground water shall be considered to be the overlying land area claimed and described in Items 3 and 4 above, unless an attachment provides a legal description of an additional and/or alternate place of use.	
<b>9. SIGNATURE –</b> Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.  Signature:  Date: 10/22/18  Print name and title: John G Cockson mgr	
<b>FOR OFFICE USE ONLY</b>  DIV <u>1</u> CO <u>WD</u> BASIN <u>2</u> MD <u>    </u>  Transaction #: 3688999 <sup>D</sup> Date: 10/23/2018 11:14:08 AM Transaction Total: \$340.00 CREDIT CARD \$340.00 Form GWS-53 (3/2018)	



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WATER RESOURCES  
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**GWS Form 53 Attachment** - Upper Dawson

Carefree Properties, LLC

1. **Overlying Land Ownership or Underlying Water Right Ownership Documentation.** See the attached deed and GWS-01 Form which demonstrate that the Applicant is the owner of the overlying land.
2. **Existing Wells.** There are no existing wells to the Upper Dawson aquifer (or any other) on the subject property.
3. **Amount of Ground Water.** Applicant seeks the maximum allocation of 1,764 acre feet.
4. **Type of Use.** Domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar)



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OCT 23 2018

WATER RESOURCES  
STATE ENGINEER COLO

WARRANTY DEED

THIS DEED, made this 30th day of October, 2017, between Michael Turner  
of the County of El Paso and State of Colorado,  
grantor(s), and Carefree Properties, LLC

whose legal address is 9905 Hardy Road, Colorado Springs, CO 80908  
of the County of El Paso and State of Colorado, grantees:

WITNESS, that the grantor(s), for and in consideration of the sum of THREE HUNDRED SIXTEEN  
THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$316,500.00), the receipt and sufficiency of which is  
hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell,  
convey and confirm unto the grantees, their heirs and assigns forever, IN SEVERALTY, all the real property,  
together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado,  
described as follows:

The West half of the Southeast quarter of the Southeast quarter of Section 14, Township 11  
South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway, utilities,  
ingress and egress purposes over and across the North 40 feet, County of El Paso, State of  
Colorado.

also known by street and number as: 10675 Hardy Road, Colorado Springs, CO 80908

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(s), either in law or equity, of, in and to  
the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the  
grantees, their heirs and assigns forever. The grantor(s), for himself, his heirs, and personal representatives, does  
covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling  
and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute  
and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to  
grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from  
all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever  
kind or nature soever, except general taxes for the current year and subsequent years, and except easements,  
covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet  
and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully  
claiming the whole or any part thereof.

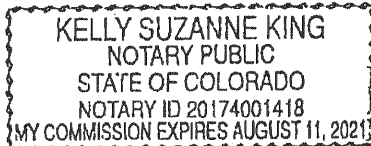
The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable  
to all genders.

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

  
Michael Turner

State of Colorado

County Of El Paso

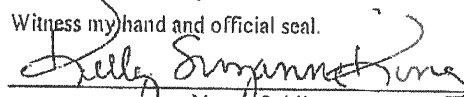


SS.

The foregoing instrument was acknowledged before me this October 30, 2017, by Michael Turner.

My Commission expires:

Witness my hand and official seal.

  
Notary Public

Doc Fee: \$31.65

Buyers Forwarding Address for Recorded documents is:  
Borrower Address



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

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OCT 23 2018

WATER RESOURCES  
STATE ENGINEER COLO.

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Upper Dawson

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

A tract of land in the SE ¼ SE ¼ of Section 14, Township 11 South,  
Range 65 West of the 6th P.M. more specifically described as follows:

The West 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11  
South, Range 65 West of the 6th P.M.; Excepting a perpetual easement  
for roadway utilities, ingress and egress purposes over and across the  
north 40 feet, County of El Paso, State of Colorado

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

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

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

  
Signature

10/22/18  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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





STATE OF  
COLORADO

Thyne - DNR, Ailis <ailis.thyne@state.co.us>

---

**RE: FW: Fw: Determination of Water Right Replacement Plan for Carefree Properties**

1 message

---

**Chris Cummins** <cdc@cowaterlaw.com>

Fri, Nov 16, 2018 at 4:46 PM

To: "Thyne - DNR, Ailis" <ailis.thyne@state.co.us>, "jmurphy@2gwi.com" <jmurphy@2gwi.com>

Cc: "blackforester9@msn.com" <blackforester9@msn.com>

Ailis:

While I may think this level of detail a bit silly, I do truly appreciate you allowing me to make the handwritten/initialed changes – see attached. Please do add “replacement” as a use in each determination and in the publication summary, that is indeed our client’s intent. Thanks for your attention to detail, and have a great Thanksgiving

Chris D. Cummins

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

cdc@cowaterlaw.com

www.cowaterlaw.com



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**From:** Thyne - DNR, Ailis [mailto:ailis.thyne@state.co.us]

**Sent:** Friday, November 16, 2018 9:46 AM



**To:** Chris Cummins; jmurphy@2gwi.com

**Subject:** Re: FW: Fw: Determination of Water Right Replacement Plan for Carefree Properties

Hi Chris,

Upon further review of the applications for Determination of Water Rights and Replacement Plan. Some additional information is needed.

- The name on the deed submitted with the application is Carefree Properties LLC, however on the attached Nontributary Ground Water Landownership Statement (GWS-1) forms the name of the owner claiming ownership of the property is written as "John Cockson, as Managing Member of Carefree Properties, LLC". Please have the only the name of the owner of the property, Carefree Properties, LLC, be on the GWS-1 forms. Please note that you can amend the attached forms, but please initial and date any changes made.

- The report for the replacement plan requests a use of replacement, however this use is not requested for the Determinations or in the publication summary for the replacement plan. Please indicate if you would like to add replacement as a use in the Determinations and in the publication summary for the replacement plan OR please indicate if replacement is not a use in the replacement plan. Please note that when using in-house septic tank return flows as a replacement source, replacement is not a required use of the Determination or the replacement plan.

If you have any questions, please contact me at 303-866-3581 ext. 8216.

Sincerely,

Ailis Thyne

Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

303.866.3581 x8216

1313 Sherman Street, Room 818, Denver, CO 80203

ailis.thyne@state.co.us | www.water.state.co.us

On Tue, Nov 13, 2018 at 12:25 PM Chris Cummins <cdc@cowaterlaw.com> wrote:

Ailis – as Attorney for Carefree Properties, please change to the depletion amount in the summary for publication from 0.095 AF/yr to 0.109 AF/yr as you and Julia have been discussing. We would, like the Commission, prefer to publish the correct figure.



Thanks,

Chris D. Cummins

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

cdc@cowaterlaw.com

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---

**From:** J Murphy [mailto:jmurphy@2gwi.com]

**Sent:** Tuesday, November 13, 2018 12:22 PM

**To:** Chris Cummins

**Subject:** Fw: Fw: Determination of Water Right Replacement Plan for Carefree Properties

Chris,

Please send Ailis an email requesting to " Please change to the depletion amount in the summary for publication from 0.095 AF/yr to 0.109 AF/yr for Carefree properties".

Julia

Julia M. Murphy MS PG

Professional Geologist/Hydrogeologist

Groundwater Investigations LLC

614 N. Nevada Ave Ste 203

Colorado Springs CO 80903



(719) 338-1805

----- Forwarded Message -----

**From:** "Thyne - DNR, Ailis" <ailis.thyne@state.co.us>

**To:** jmurphy@2gwi.com

**Sent:** Monday, November 5, 2018 2:36 PM

**Subject:** Re: Fw: Determination of Water Right Replacement Plan for Carefree Properties

Hi Julia,

So if the summary for the publication isn't changed, it would be published as is, but in the Determinations we would use the more accurate depletion amount and this could cause some confusion in that there was a different amount published than what is in the final determination. However, if there was an instance in which the difference in depletions amounts were much greater, we would like the correct amount of actual depletions to be published, because we don't feel it is a wise use of resources to publish an application we would then object to.

Please note that the change to the depletion amount can be done in the format of an email asking the depletion amount be changed from 0.095 AF/yr to 0.109 AF/yr.

Please let me know if you have any other questions.

Regards,

Ailis Thyne

Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

303.866.3581 x8216

1313 Sherman Street, Room 818, Denver, CO 80203

ailis.thyne@state.co.us | [www.water.state.co.us](http://www.water.state.co.us)

On Fri, Nov 2, 2018 at 10:32 AM J Murphy <jmurphy@2gwi.com> wrote:

Ailis, Can you answer this?



Julia

Julia M. Murphy MS PG

Professional Geologist/Hydrogeologist

Groundwater Investigations LLC

614 N. Nevada Ave Ste 203

Colorado Springs CO 80903

(719) 338-1805

----- Forwarded Message -----

**From:** Chris Cummins <cdc@cowaterlaw.com>

**To:** J Murphy <jmurphy@2gwi.com>

**Cc:** "blackforester9@msn.com" <blackforester9@msn.com>

**Sent:** Friday, November 2, 2018 8:20 AM

**Subject:** RE: Determination of Water Right Replacement Plan for Carefree Properties

Julia – obviously the small change doesn't bother me, but since they put it in the form of a question, what if we don't make that change? Will they issue the determinations/replacement plan anyway, using the proper math? That obviously would be my preference in order to save John some \$ in our revisions, and of course that is how the water court would handle it through DEO/SEO reports, but I know the GWC has its quirks...

Thanks,

Chris D. Cummins

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

cdc@cowaterlaw.com

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message in error, please notify the sender and then delete the message (and any attachments) from your computer and/or network. Thank you.

---

**From:** J Murphy [mailto:jmurphy@2gwi.com]  
**Sent:** Thursday, November 01, 2018 10:31 PM  
**To:** Chris Cummins  
**Subject:** Fw: Determination of Water Right Replacement Plan for Carefree Properties

Chris, the state applied the revised model that uses one year iterations rather than 5 year and therefore want to use a 300th year depletion rate of 0.109 AF/Yr (from 0.95 AF/Yr); this "increase" (tongue in cheek) has no impact on the replacement as proposed. Would you like me to make the report change? You would need to modify the summary paragraph and send it in. I will apply the unreleased 2018 model to all future applications.

Thank you,

Julia

Julia M. Murphy MS PG  
Professional Geologist/Hydrogeologist  
Groundwater Investigations LLC  
614 N. Nevada Ave Ste 203  
Colorado Springs CO 80903  
(719) 338-1805

----- Forwarded Message -----

**From:** "Thyne - DNR, Ailis" <ailis.thyne@state.co.us>  
**To:** jmurphy@2gwi.com  
**Sent:** Thursday, November 1, 2018 3:58 PM  
**Subject:** Determination of Water Right Replacement Plan for Carefree Properties

Dear Julia,

When running the AUG3 for 3 AF/yr for 300 year, it was found that the actual depletions at year 300 are 0.109 AF/yr versus 0.095 AF/yr as stated in the replacement plan. Please let me know if you would like to update the replacement plan report and summary maximum depletions at year 300 from 0.095 AF/yr to 0.109 AF/yr.



Also please find attached a new Tape12.dat file that will be included with the 2018 AUG3 release later this year, but you can use before the the 2018 version is released as this has a more accurate convergence criteria to be met.

If you have questions, please contact me at this office at 303-866-3581 ext. 8216 or email to [ailis.thyne@state.co.us](mailto:ailis.thyne@state.co.us).

Sincerely,

**Ailis Thyne**

**Water Resource Engineer**



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

303.866.3581 x8216

1313 Sherman Street, Room 818, Denver, CO 80203

[ailis.thyne@state.co.us](mailto:ailis.thyne@state.co.us) | [www.water.state.co.us](http://www.water.state.co.us)

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**20181116162748.pdf**

273K



Determination of Water Right Evaluation Sheet  
Section 37-90-107(7). C.R.S.

Applicant: Carefree Properties, LLC  
Aquifer: Dawson  
Acres Claimed: 19.6

Receipt No.: 3688999D  
Basin: Kiowa-Bijou  
GWMD: None  
County: El Paso

General Description: part of the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth P.M.

I. Water Underlying Claimed Acreage:  $AF = (\text{acres})(ft\ SS)(SY)$ ,  $AF/YR = AF/100\ \text{years}$

Acreage (ac)	Saturated Sandstone <sup>1</sup> (ft)	Specific Yield	Quantity of Underlying Water (af)	Average Annual Withdrawal <sup>2</sup> (af/yr)
19.6	425	20%	1,670	16.7

II. Reductions to Claimed Acreage:

Overlapping Pre-November 19, 1973 Well Cylinders: None

Permit No.	Overlapping Acreage, (ac)
None	0
Total	0

III. Water Underlying Reduced Acreage:  $AF = (\text{acres})(ft\ SS)(SY)$ ,  $AF/YR = AF/100\ \text{years}$

Reduced Acreage (ac)	Saturated Sandstone <sup>1</sup> (ft)	Specific Yield	Quantity of Underlying Water (af)	Average Annual Withdrawal <sup>2</sup> (af/yr)
19.6	425	20%	1,670	16.7

IV. Small-Capacity Wells Located on Claimed Tract : None

Permit No.	Permitted Annual Appropriation (af/yr)	Quantity of Reduction <sup>2</sup> (af)
None	0	0
Total	0	0

V. Water Available From Beneath the Claimed Acreage:

Quantity (af)	Allowed Average Annual Amount of Withdrawal <sup>2</sup> (af/yr)	Annual Amount Requested by Applicant (af/yr)	Exclusion Requested by Applicant (af/yr)	Approved Average Annual Amount (af/yr)
1,670	16.7	0	0	16.7

VI. Replacement Water Status of Claimed Area: not-nontributary (actual impact replacement)

Replacement Plan Required: Yes

VII. Aquifer Depth (Approximate, Center of Parcel):

Top, ft	Base, ft
Surface	985

VIII. Comments:

- The average saturated sandstone/siltstone (SS) was estimated as one-half the saturated thickness of the aquifer, computed as the difference between the static water level of well permit no. 201114 and the base of the aquifer, as shown by the calculation sheet in the file.
- Based on a 100 year aquifer life.

Evaluated by:	aat 10/31/2018
Reviewed by:	KVH 12-17-2018



Applicant: Carefree Properties, LLC  
Receipt no.: 3688999D

Estimate of saturated sandstone and siltstone for the Dawson

1	Ground Surface Elevation (ft)	7400
2	Static Water Level - Depth (ft)	155
3	Base of Dawson – Elevation (ft)	6395
4	Base of Dawson – Depth (ft)	1005
5	Saturated aquifer thickness (ft)	850
6	Saturated sandstone/siltstone thickness (ft)	425

- (1) From USGS topographic map at location of well permit no. 201114
- (2) From well construction report of well permit no. 201114
- (3) From Structural Contour Map of the Base of the Dawson Aquifer (Figure 1A, Plate 1, Denver Basin Atlas No. 1, DBA-1, 1988)
- (4) Row(1) – Row(3)
- (5) Row(4) – Row(2)
- (6) Row(5) / 2

By: aat 10/30/2018

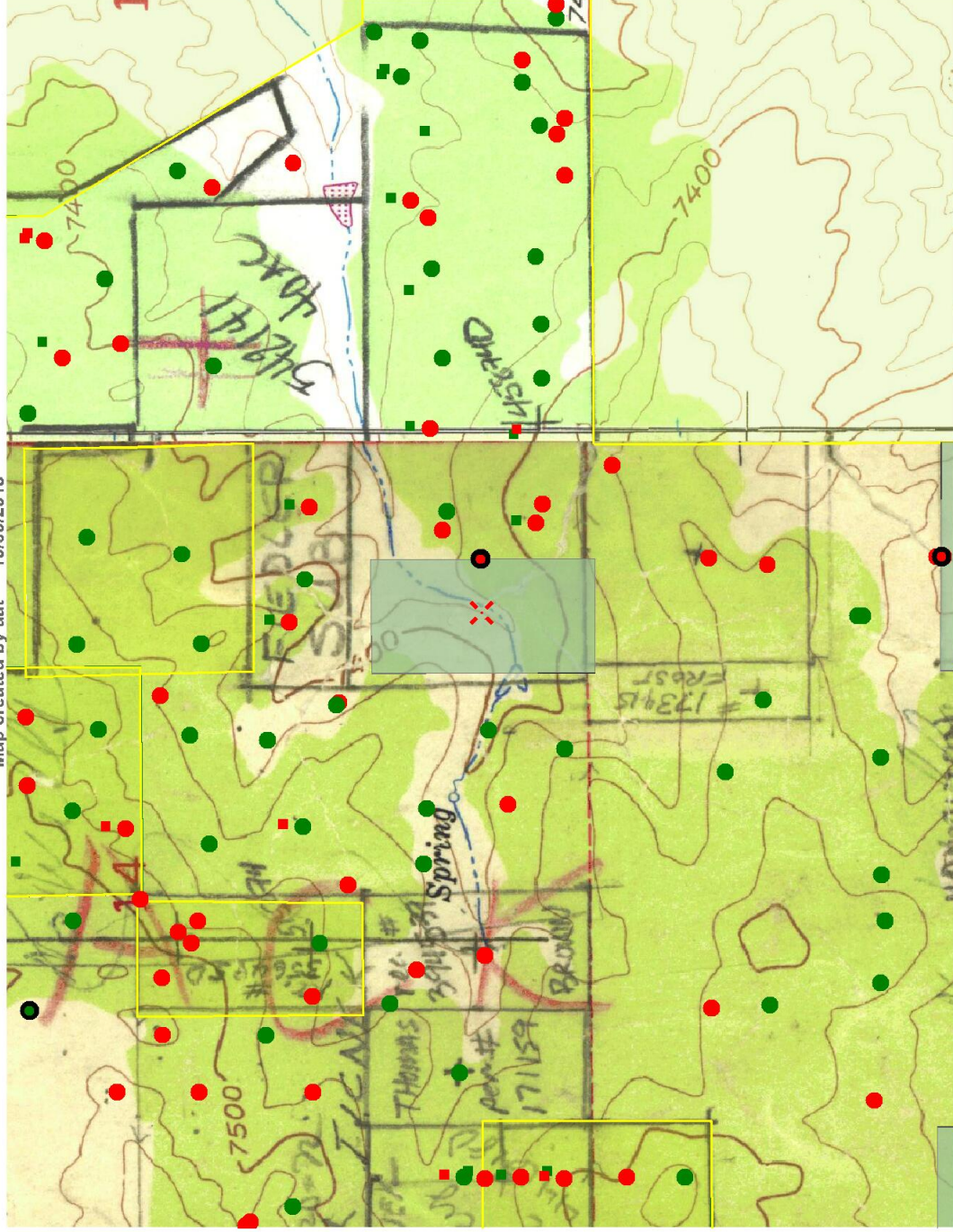


# AQUAMAP

## Colorado Division of Water Resources

### Carefree Properties Dawson Map Cabinet

Map created by aat 10/30/2018



#### MAP NAVIGATION

Click to create PDF

UTM X, Zone 13: 533077

UTM Y, Zone 13: 4326369

Long: -104° 37' 3.2"

Lat: 39° 5' 8.9"

UTM and Geographic(LL) coordinates in NAD 83

#### DATA DISPLAY

☒ Background

☒ Counties

☒ PLSS

☒ Roads

☒ Hydrography

☒ County Parcels (No Public Access)

☒ Towns

☒ Water Well Application

☒ DWR Parcels

☒ EPA Well Notification

☒ Oil/Gas Well Location

Map Cab(Main)

Low High

Transparency

More Data

#### LOCATION

Section 14 Township 11 Range 65 Meridian W Sixth

PLSS Locator Quick Zoom Spacing

#### PRINTING

Output Scale 12,000 Page Size 8.5x11 User aat

Title Carefree Properties Dawson Map Cabinet

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.



7,118 ft

Address location by Bing Maps

AquaMap Version 3.0.1 July 5, 2009



Based on work developed at <http://www.carto.net>

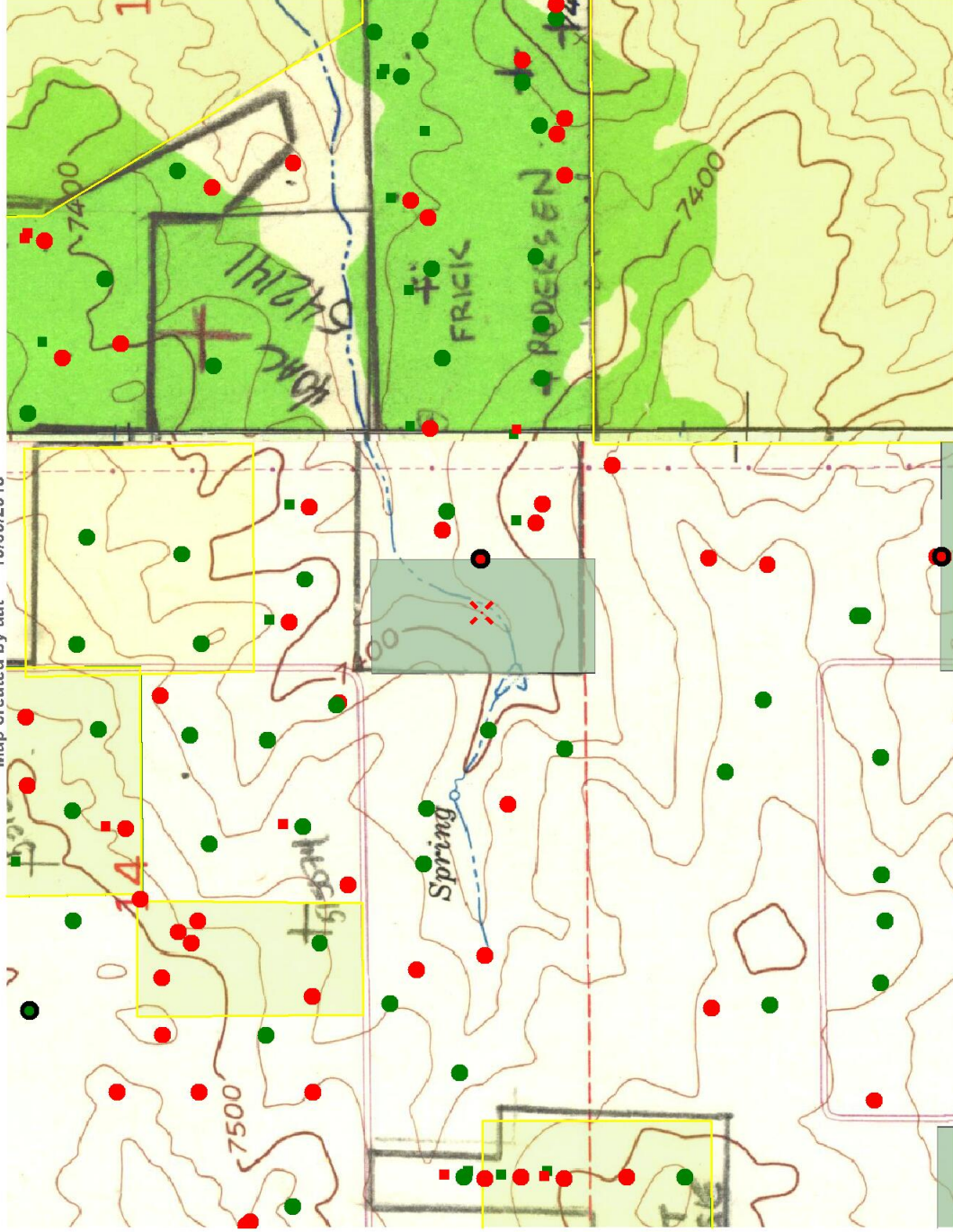


# AQUAMAP

## Colorado Division of Water Resources

### Carefree Properties Dawson Map Cabinet 2

Map created by aat 10/30/2018



#### MAP NAVIGATION

Click to create PDF

UTM X, Zone 13: 533048

UTM Y, Zone 13: 4325779

Long: -104° 37' 4.5"

Lat: 39° 4' 49.8"

UTM and Geographic(LL) coordinates in NAD 83

#### DATA DISPLAY

☒ Background

☒ Counties

☒ PLSS

☒ Roads

☒ Hydrography

☒ County Parcels (No Public Access)

☒ Towns

☒ Water Well Applications

☒ DWR Parcels

☒ EPA Well Notifications

☒ Oil/Gas Well Locations

Map Cab (#2)

Low High

Transparency

More Data

#### LOCATION

Section Township Range Meridian

14 11 S 65 W Sixth

PLSS Locator Quick Zoom Spacing

#### PRINTING

Output Scale Page Size User

12,000 8.5x11 aat

Title Carefree Properties Dawson Map Cabinet 2

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.



7,118 ft

Address location by Bing Maps

AquaMap Version 3.0.1 July 5, 2009

Based on work developed at <http://www.carto.net>



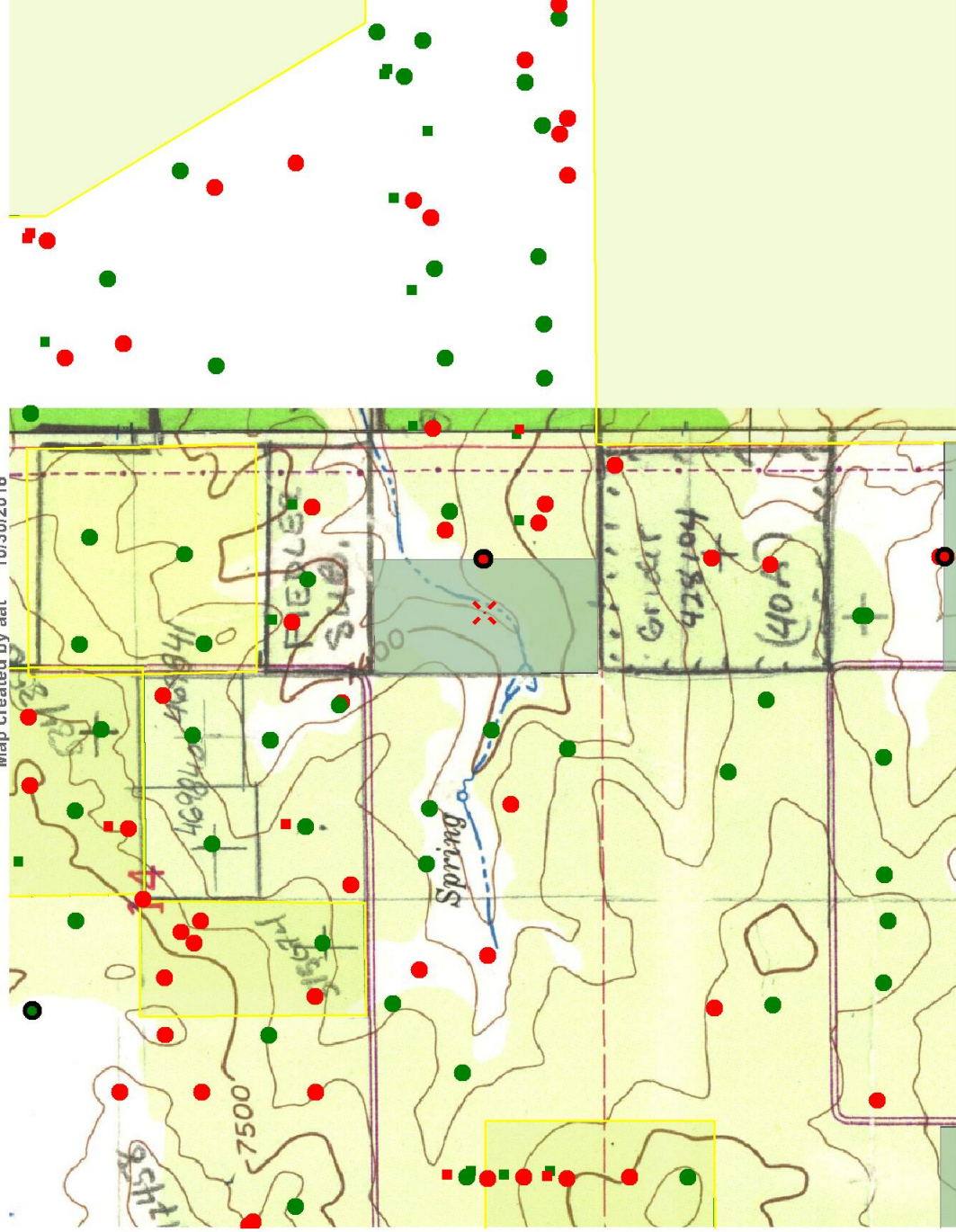


# AQUAMAP

## Colorado Division of Water Resources

### Carefree Properties Dawson Map Cabinet 3

Map created by aat 10/30/2018



7,118 ft

Address location by Bing Maps  
AquaMap Version 3.0.1 July 5, 2009

Based on work developed at <http://www.carto.net>



#### MAP NAVIGATION

Click to create PDF

UTM X, Zone 13: 684308

UTM Y, Zone 13: 4271076

Long: -102° 53' 3.9"

Lat: 38° 34' 8.5"

UTM and Geographic(LL) coordinates in NAD 83

#### DATA DISPLAY

☒ Background
 ☐ Counties
 ☐ PLSS
 ☐ Roads
 ☐ Hydrography
 ☐ County Parcels (No Public Access)
 ☐ Towns
 ☐ Water Well Applications
 ☒ DWR Parcels
 ☐ EPA Well Notifications
 ☐ Oil/Gas Well Locations

☐ Low
 ☒ High

#### LOCATION

Section

Township

Range

Meridian

#### PRINTING

Output Scale

Page Size

User

Title

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.



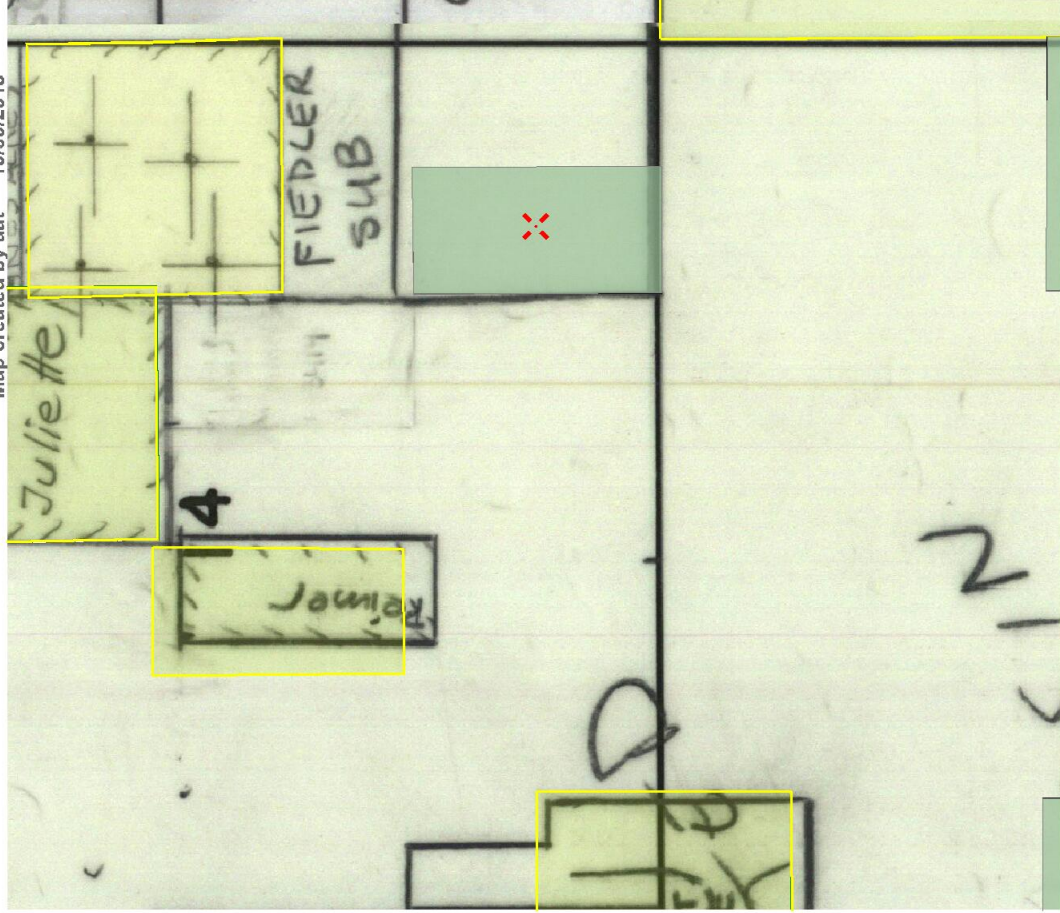


# AQUAMAP

## Colorado Division of Water Resources

### Carefree Properties Dawson Mylar

Map created by aat 10/30/2018



7,118 ft

Based on work developed at <http://www.carto.net>



Address location by Bing Maps  
AquaMap Version 3.0.1 July 5, 2009

#### MAP NAVIGATION

Click to create PDF

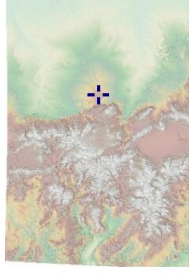
UTM X, Zone 13: 533138

UTM Y, Zone 134326025

Long: -104° 37' 0.7"

Lat: 39° 4' 57.7"

UTM and Geographic(LL) coordinates in NAD 83



#### DATA DISPLAY

☒ Background

☐ Mylar TDW

☐ Counties

☐ PLSS

☐ Roads

☐ Hydrography

☐ County Parcels (No Public Access)

☐ Towns

☐ Water Well Applications

☒ DWR Parcels

☐ EPA Well Notifications

☐ Oil/Gas Well Locations

Low ☒ High

Transparency

#### LOCATION

Section  Township  Range  Meridian  Sixth

#### PRINTING

Output Scale  Page Size

User

Title

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.



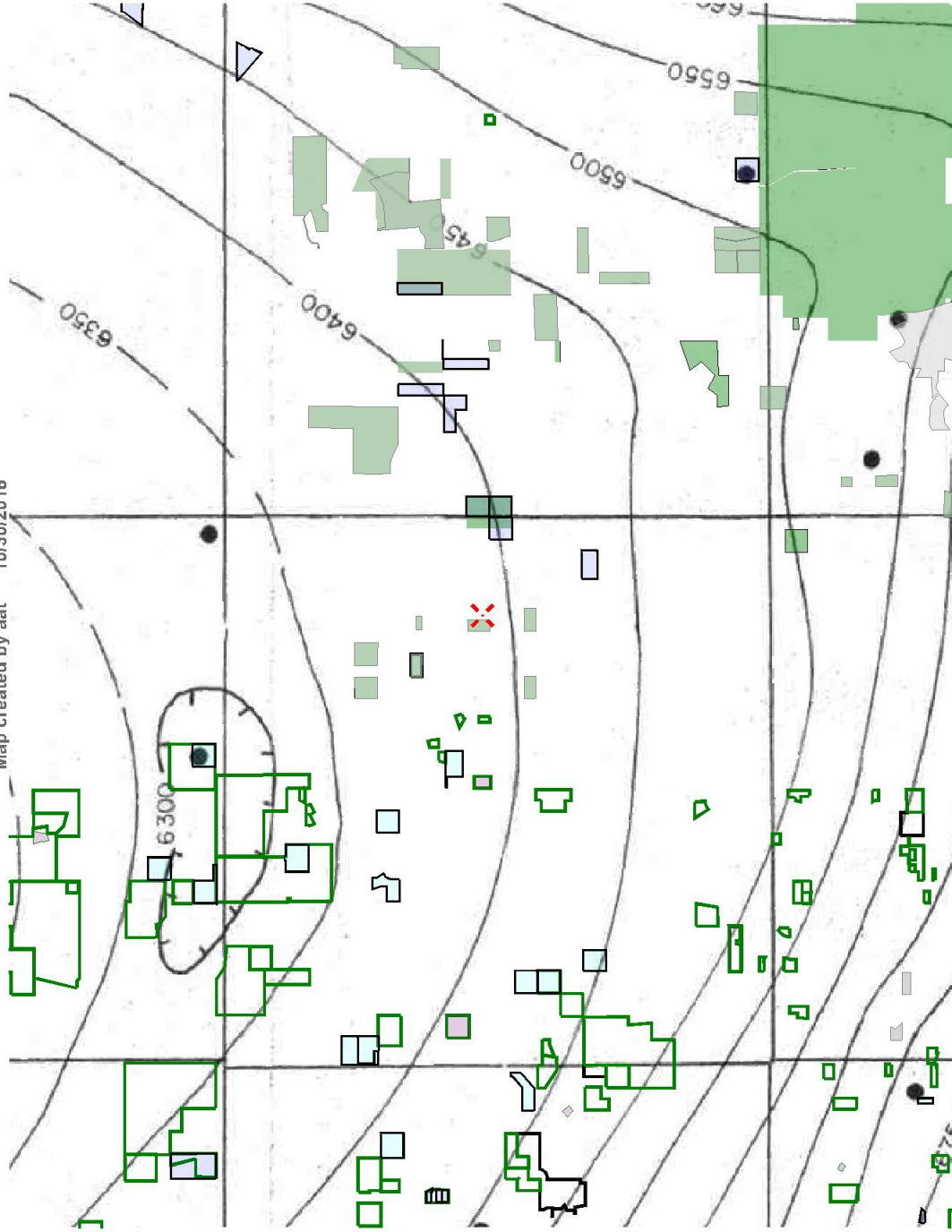


# AQUAMAP

## Colorado Division of Water Resources

### Permit no 201114 Dawson Base

Map created by aat 10/30/2018



71,176 ft

55,000 ft

Based on work developed at <http://www.carto.net>

Address location by Bing Maps  
AquaMap Version 3.0.1 July 5, 2009

#### MAP NAVIGATION



Click to create PDF

UTM X, Zone 13: 542973

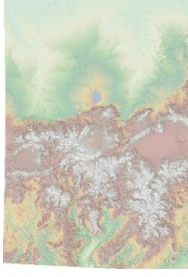
UTM Y, Zone 13: 4322770

Long: -104° 30' 12.1"

Lat: 39° 3' 10.6"

UTM and Geographic(LL)

coordinates in NAD 83



#### DATA DISPLAY

- ☒ Background
- ☐ Counties
- ☐ PLSS
- ☐ Roads
- ☐ Hydrography
- ☐ County Parcels (No Public Access)
- ☐ Towns
- ☐ Water Well Applications
- ☒ DWR Parcels
- ☐ EPA Well Notifications
- ☐ Oil/Gas Well Locations
- 

#### LOCATION

Section Township Range Meridian Spacing

14 11 S 65 W Sixth

#### PRINTING

Output Scale Page Size User

120,000 8.5x11 aat

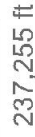
Title

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.





Map created by aat 10/30/2018



Address location by Bing Maps  
AquaMap Version 3.0.1 July 5, 2009



COLORADO DIVISION OF  
WATER RESOURCES







**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Kevin G. Rein, P.E.  
Director/State Engineer

December 17, 2018

Carefree Properties, LLC  
PO Box 88354  
Colorado Springs, CO 80908  
blackforester9@msn.com  
cdc@cowaterlaw.com

RE: Applications for Determinations of Water Right to Appropriate Ground Water from the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers Underlying a 19.6-Acre Tract, Receipt Nos. 3688999A, 3688999B, 3688999C and 3688999D and an application for a replacement plan to allow the withdrawal of ground water from the Dawson aquifer, Receipt No. 3688999E

Dear Applicant:

Enclosed is a copy of the legal notice to be published in the Ranchland News newspaper as required for the above described applications. If you find any errors or omissions in the notice, please contact this office by phone as soon as possible so that corrections may be made prior to publication. This office will bill you at a later time for the actual cost of this publication.

If you have any questions concerning these applications, please contact me at this office at (303) 866-3581.

Sincerely,

Ailis Thyne  
Water Resource Engineer

Enclosures: a/s

Office of the State Engineer

1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581

[www.water.state.co.us](http://www.water.state.co.us)







**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Kevin G. Rein, P.E.  
Director/State Engineer

December 17, 2018

Ranchland News  
[ranchland@bigsandytelco.com](mailto:ranchland@bigsandytelco.com)

Applicant: Carefree Properties, LLC

**-EMAIL- DOCUMENT TRANSFER-**

Please publish the enclosed legal notice in your editions of December 20, 2018 and December 27, 2018, or as close to these dates as possible. Please single-space all the enclosed material in your standard single column legal notice format. Font size shall not be less than six-point type and not more than nine-point in size.

Prior to publishing the legal notice, a proof copy must be submitted to this office for approval. The Ground Water Commission staff will inspect the proof copy and a reply as to its correctness will be made immediately by phone or email to your office. The proof copy must be directed to the attention of Ailis Thyne, Colorado Division of Water Resources at 1313 Sherman St. Room 818, Denver CO 80203, or by email [Ailis.Thyne@state.co.us](mailto:Ailis.Thyne@state.co.us).

The state Controller and the State Purchasing Agent require that a copy of the billing and a copy of the proof of publication affidavit must be received in order to process billing invoices for legal notice publications. The proof of publication must be notarized.

Since we must re-bill the applicant prior to the official action concerning their application request, please transmit the billing copies together with the proofs of publication as soon as possible.

Should you have any questions concerning publication of this notice, please contact this office.

Sincerely,

Ailis Thyne  
Water Resource Engineer

Enclosure (a/s)

Office of the State Engineer

1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581

[www.water.state.co.us](http://www.water.state.co.us)





BEFORE THE COLORADO GROUND WATER COMMISSION

---

KIOWA-BIJOU DESIGNATED GROUND WATER BASIN - EL PASO COUNTY

---

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Carefree Properties, LLC (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 19.6 acres generally described as the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth 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 from these allocations will be used on the described property for the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The maximum allowable annual amount of ground water in the 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 aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the application by the Commission Staff finds the annual amount of water available for allocation from the aquifers underlying the above-described property to be 5.59 acre-feet for the Laramie-Fox Hills aquifer, 8.66 acre-feet for the Arapahoe aquifer, 11.8 acre-feet for the Denver aquifer and 16.7 acre-feet for the Dawson aquifer, subject to final staff evaluation. The estimated available annual acre-feet allocation for each aquifer may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

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

Upon Commission approval of the determination of water right, well permits for wells to withdraw the allowed allocation 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 aquifer and must be located on the above-described 19.6 acre property. Well permits for wells to withdraw ground water from the Dawson aquifer would also be subject to the conditions of a replacement plan to be approved by the Commission.

TAKE NOTICE that pursuant to Section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Carefree Properties, LLC has submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary ground water from the Dawson aquifer within the Kiowa-Bijou Designated Basin. The applicant has submitted the following summary of the plan for publication.

Applicant seeks a replacement plan for use of the not nontributary Upper Dawson aquifer underlying a tract of land in the SE ¼, SE ¼ of Section 4, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M. described as follows: The West ½ of the SE ¼ of the SE ¼ of Section 14, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M.; Excepting a perpetual easement for the roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado. Application proposes to pump approximately 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) and replacement on a total 3 individual wells to be located on 3 residential lots as part of a minor subdivision of Applicant's above described property. Maximum annual depletions have been determined to amount to 3.63% of actual pumping in the



300<sup>th</sup> year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in house use. Conservatively, a minimum of 0.20 annual acre-feet will be used for in-house use, resulting in septic return flows of 0.18 acre feet annually per lot, or a total of 0.54 acre feet annually. The remainder for the pumping per lot, 0.8 annual acre-feet, will be used for other accessory uses of landscape/lawn and garden irrigation, for watering of domestic animals and livestock and replacement. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.54 acre-feet , or 18% of pumping, exceeding the maximum depletion of 0.109 acre-feet, or 3.63% of pumping.

The replacement plan is being considered for approval by the Commission in accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells that are located in the alluvial aquifer of Kiowa Creek. Terms and conditions may be required to prevent material injury and provide for administration. The application is published as required by statute and does not imply that the Commission will approve the proposed plan in its present form.

Any person wishing to object to the approval of these determinations of water right and/or replacement plan must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and specific application(s) that are the subject of the objection. The objection must be accompanied by a \$10 fee per application being objected to and must be received by the Commission Staff, Colorado Ground Water Commission, 1313 Sherman Street, Room 821, Denver, Colorado 80203, by January 26, 2018.



# PUBLISHER'S AFFIDAVIT

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ELBERT )

I, Jenna Lister, do solemnly affirm that I am the Publisher of RANCHLAND 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;

December 20, 2018

and the last publication of said notice was in the issue of said newspaper dated;  
December 27, 2018

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.

*Jenna 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

27 day of December, 2018

*Susan Lister*

Notary Public

09/20/2020

(My Notary Public Commission Expiration Date)

SUSAN LISTER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19964014317  
MY COMMISSION EXPIRES 09/20/2020

## Determinations of Water Right

### BEFORE THE COLORADO GROUND WATER COMMISSION

KIOWA-BIJOU DESIGNATED GROUND WATER BASIN - EL PASO COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Carefree Properties, LLC (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 19.6 acres generally described as the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth 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 from these allocations will be used on the described property for the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The maximum allowable annual amount of ground water in the 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 aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the application by the Commission Staff finds the annual amount of water available for allocation from the aquifers underlying the above-described property to be 5.59 acre-feet for the Laramie-Fox Hills aquifer, 8.66 acre-feet for the Arapahoe aquifer, 11.8 acre-feet for the Denver aquifer and 16.7 acre-feet for the Dawson aquifer, subject to final staff evaluation. The estimated available annual acre-feet allocation for each aquifer may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the application finds the replacement water requirement status for the aquifers underlying the above-described property to be nontributary for the Laramie-Fox Hills aquifer, nontributary for the Arapahoe aquifer, nontributary for the Denver aquifer and not-nontributary (actual impact replacement) for the Dawson aquifer.

Upon Commission approval of the determination of water right, well permits for wells to withdraw the allowed allocation 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 aquifer and must be located on the above-described 19.6 acre property. Well permits for wells to withdraw ground water from the Dawson aquifer would also be subject to the conditions of a replacement plan to be approved by the Commission. TAKE NOTICE that pursuant to Section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Carefree Properties, LLC has submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary ground water from the Dawson aquifer within the Kiowa-Bijou Designated Basin. The applicant has submitted the following summary of the plan for publication.

Applicant seeks a replacement plan for use of the not nontributary Upper Dawson aquifer underlying a tract of land in the SE 1/4, SE 1/4 of Section 4, Township 11 South, Range 65 West of the 6th P.M., described as follows: The West 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for the roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado. Application proposes to pump approximately 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) and replacement on a total 3 individual wells to be located on 3 residential lots as part of a minor subdivision of Applicant's above described property. Maximum annual depletions have been determined to amount to 3.63% of actual pumping in the 300th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in house use. Conservatively, a minimum of 0.20 annual acre-feet will be used for in-house use, resulting in septic return flows of 0.18 acre feet annually per lot, or a total of 0.54 acre feet annually. The remainder for the pumping per lot, 0.8 annual acre-feet, will be used for other accessory uses of landscape/lawn and garden irrigation, for watering of domestic animals and livestock and replacement. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.54 acre-feet, or 18% of pumping, exceeding the maximum depletion of 0.109 acre-feet, or 3.63% of pumping.

The replacement plan is being considered for approval by the Commission in accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells that are located in the alluvial aquifer of Kiowa Creek. Terms and conditions may be required to prevent material injury and provide for administration. The application is published as required by statute and does not imply that the Commission will approve the proposed plan in its present form.

Any person wishing to object to the approval of these determinations of water right and/or replacement plan must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and specific application(s) that are the subject of the objection. The objection must be accompanied by a \$10 fee per application being objected to and must be received by the Commission Staff, Colorado Ground Water Commission, 1313 Sherman Street, Room 821, Denver, Colorado 80203, by January 26, 2018.

First Publication December 20, 2018

Final Publication December 27, 2018

In Ranchland News

Legal No. 388

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DEC 30 2018

WATER RESOURCES  
STATE ENGINEER'S OFFICE



Ranchland News

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Simla, CO 80835

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ranchland@bigsandytelco.com

# Invoice

Date	Invoice #
12/20/2018	39886

Bill To

Colorado Ground Water Commission  
1313 Sherman Street, Room 818  
Denver, CO 80203

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DEC 30 2018

WATER RESOURCES  
STATE ENGINEER COLO.

		P.O. No.	Terms	Project
			Net 30	
Quantity	Description	Rate		Amount
145	Legal- 11.5 picas	0.494		71.63
145	Legal- 11.5 picas- rerun	0.345		50.03
	Legal 388			
			<b>Total</b>	\$121.66





**COLORADO**  
**Division of Water Resources**  
 Department of Natural Resources

John W. Hickenlooper  
 Governor

Robert Randall  
 Executive Director

Kevin G. Rein, P.E.  
 Director/State Engineer

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JAN 14 2019

WATER RESOURCES  
 STATE ENGINEER  
 COLO

January 3, 2019

Carefree Properties, LLC  
 PO Box 88354  
 Colorado Springs, CO 80908  
 blackforester9@msn.com  
 cdc@cowaterlaw.com

Invoice No. 19-PUB-48

### INVOICE

Pursuant to Section 37-90-116, C.R.S., applicants are required to pay for the actual expense of publication for determinations of water right, replacement plan, well permit, and change of water right applications.

Your applications for determination of water rights to appropriate ground water from the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers and replacement plan for the Lower Arapahoe, Lower Dawson and Dawson aquifers were published in Ranchland News on December 20, 2018 and December 27, 2018.

The following cost was incurred:

1. Actual cost of publication: \$ 121.66
2. Additional fees: none

PAYABLE TO: DIVISION OF WATER RESOURCES \$ 121.66

Your application cannot be considered for approval until the charges are paid.  
*Please return the enclosed copy of this invoice with remittance within thirty (30) days.*

(A copy of the publication affidavit is enclosed for your records.)

Sincerely,

Artis Thyne  
 Water Resource Engineer

Enclosures: a/s

Transaction #: 3690076  
 Date: 1/14/2019 1:06:57 PM  
 Transaction Total: \$121.66  
 CHECK #1066 \$121.66

Office of the State Engineer  
 1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581  
 www.water.state.co.us





**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

---

REPLACEMENT PLAN - DETERMINATION OF WATER RIGHT NO. 3637-BD

AQUIFER: DAWSON

APPLICANT: CAREFREE PROPERTIES, LLC

---

In compliance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1 ("Rules" or "Rule"), Carefree Properties, LLC ("Applicant") submitted an application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer in accordance with Determination of Water Right No. 3637-BD.

**FINDINGS**

1. Pursuant to Section 37-90-107(7), CRS, in a Findings and Order dated January 31, 2019, the Ground Water Commission ("Commission") approved a Determination of Water Right, no. 3637-BD, for the Dawson Aquifer ("Aquifer"), summarized as follows.
  - a. The determination quantified an amount of water from beneath 19.6 acres of overlying land generally described as part of the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth P.M., in El Paso County.
  - b. The total volume of underlying ground water that may be withdrawn from the Aquifer shall not exceed 1,670 acre-feet and the allowed average annual amount of ground water that may be withdrawn from the Aquifer shall not exceed 16.7 acre-feet.
  - c. The use of the allowed amount of underlying ground water shall be limited to the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The place of use shall be limited to the above described 19.6 acres of Overlying Land.
  - d. In accordance with Rule 5.3.6 the withdrawal of the subject ground water will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, the ground water is considered to be not-nontributary, and Commission approval of a replacement plan providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to withdraw the subject ground water.
2. The subject water is Designated Ground water located within the boundaries of the Kiowa-Bijou Designated Ground Water Basin. The Commission has jurisdiction.
3. Withdrawal of the subject ground water would deplete the alluvial aquifer of the Kiowa-Bijou Designated Ground Water Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin, both of which, according to Rules 5.2.4.2 and 5.2.6.2, respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing alluvial rights withdrawing water from those alluvial aquifers.



Aquifer: Upper Dawson

Applicant: Carefree Properties, LLC

4. Pursuant to Rule 5.6.1 this plan must be adequate to prevent any material injury to water rights of other appropriators, which for purposes of this plan means large capacity wells withdrawing water from the alluvial aquifer of the Kiowa-Bijou Designated Ground Water Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin.
5. Pursuant to Rule 5.3.6.2(C) the amount of replacement water shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping and if pumping continues beyond 100 years, shall replace actual impact until pumping ceases.
6. The subject application for the replacement plan was received by the Commission on October 23, 2018.
7. The Applicant proposes to divert 3.0 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through three individual wells to be located on three residential lots. Each Dawson aquifer well is proposed to divert 1.0 acre-foot of water annually for use in 1 single family residence, landscape/lawn and garden irrigation, watering of domestic animals, livestock and replacement.
8. At a continuous withdrawal of 3.0 acre-feet annually for 300 years, total depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Ground Water Basin and Upper Black Squirrel Creek Designated Ground Water Basin would steadily increase to 0.109 acre-feet per year in the 300th year, which is equal to 3.63% of pumping, as shown in Exhibit A.
9. The Applicant proposes to provide 0.18 acre-feet per year of replacement water to the alluvial aquifer system of the Kiowa-Bijou Designated Ground Water Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the ground water to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. Assuming each lot uses a total annual amount for in-house use of 0.20 acre-feet, the return flow per lot 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 Ground Water Basin. The Applicant proposes to aggregate all replacements to the drainage in which the well or wells will operate, in accordance with Guideline 2007-1.
11. So long as the septic and leaching treatment systems for the in-house use of the water are constructed and operated in compliance with state and county health department standards the plan would not cause unreasonable impairment of water quality of the alluvial aquifer.
12. Records in this office indicate that the Applicant controls the water right to be used as the source of replacement water, consisting of Determination of Water Right No. 3637-BD.
13. In accordance with Sections 37-90-107.5 and 37-90-112, CRS, the application was published in the Ranchland News newspaper on December 20, 2018 and December 27, 2018. No objections to the application were received within the time limit set by statute.



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

### ORDER

In accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of ground water from the Dawson Aquifer underlying 19.6 acres that are the subject of Determination of Water Right no. 3637-BD is approved subject to the following conditions:

17. The Dawson aquifer water may be withdrawn through three individual wells to be located on three residential lots. Each Dawson aquifer well may divert 1.0 acre-feet of water annually for use in 1 single family residence, landscape/lawn and garden irrigation, watering of domestic animals, livestock and replacement.
18. The allowed annual amount of ground water that may be withdrawn from the aquifer by all wells operating under this plan shall not exceed 3.0 acre-feet. The allowed annual amount of water that may be withdrawn from each on-lot well shall not exceed 1.0 acre-foot.
19. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
20. Permanent records of all withdrawals of ground water from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission.
21. Pumping under this plan is limited to a period of 300 years. The year of first use of this replacement plan shall be the calendar year of construction of a well permitted pursuant to this plan or permitting of an existing well pursuant to the plan.
22. Return flows from in-house use of ground water shall occur through individual on-lot non-evaporative septic systems located within the 19.6 acres of overlying land that are the subject of Determination of Water Right No. 3637-BD.
23. The septic systems must be constructed and operated to state and county health department standards.



24. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A. Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5 year increment.
25. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan, and that the replacement prevents any material injury to the water rights of other appropriators. The annual replacement requirement and the annual amount of replacement water provided shall be calculated and reported on a form acceptable to the Commission. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.
26. The Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer.
27. To assure adequate return flows, at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any irrigation or animal watering is allowed to be served by any of the wells.
28. So long as at least one well continues to pump and supply an occupied dwelling, the plan's required replacement obligations, shown in Exhibit A, will be met. Should all wells cease pumping for in-house use within the first 100 years an amended or alternate replacement plan must be obtained that will make the required replacement deliveries.
29. The Applicant or their successor(s) must gather, record and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not be limited to, those items identified below. The Applicant must submit records to the Commission on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15<sup>th</sup> of the following year.
  - a. Identification of all well permits issued and wells constructed under this plan.
  - b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
  - c. The number of occupied dwellings served by each well.
  - d. The return flows occurring from use of all wells operating under the plan, assuming 0.18 acre-feet per year (90% of the water used for in-house purposes) enters the alluvial aquifer as replacement water from each occupied dwelling.
  - e. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.
30. The Applicant or their successor(s) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, evidence of the sale and notification to the new owner of their responsibility under the replacement plan shall accompany that year's accounting.
31. Any covenants adopted for this subdivision should contain a description of the replacement plan, including the limitations on water use for each lot, metering of well pumping, and how the plan is to be administered.



Aquifer: Upper Dawson

Applicant: Carefree Properties, LLC

32. In the event the permitted well or wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting ground water.
33. All terms and conditions of Determination of Water Right No. 3637-BD must be met.
34. Pursuant to Designated Basin Rule 5.6.1(F), the Commission retains jurisdiction to modify or revoke approval of this replacement plan if monitoring or operating experience reveals that the plan results in any material injury to water rights of other appropriators or unreasonable impairment to water quality.
35. A copy of this Findings and Order shall be recorded by the Applicant in the real property records of El Paso County, so that a title examination of the above described property, or any part thereof, shall reveal to all future purchasers the existence of this replacement plan. The terms and conditions of this replacement plan shall be considered to be a covenant on and running with the subject property.

Dated this Dated this 31st day of January, 2019.

By:



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



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

F&ORP3637-BD.docx

Prepared by: aat



Exhibit A  
Replacement Plan - Determination No.: 3637-BD  
Page 1 of 1

Designated Basin Summary Table for Carefree Properties, LLC Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Section 14, T11S, R65W, 6th P.M.					
Year	Depletion as a % of Pumping	Annual Depletion (AF/YR)	Year	Depletion as a % of Pumping	Annual Depletion (AF/YR)
5	0.00	0.000	155	1.58	0.048
10	0.01	0.000	160	1.65	0.050
15	0.02	0.000	165	1.73	0.052
20	0.03	0.001	170	1.80	0.054
25	0.05	0.002	175	1.87	0.056
30	0.08	0.002	180	1.94	0.058
35	0.11	0.003	185	2.01	0.060
40	0.15	0.004	190	2.08	0.062
45	0.19	0.006	195	2.15	0.065
50	0.24	0.007	200	2.23	0.067
55	0.28	0.009	205	2.30	0.069
60	0.34	0.010	210	2.37	0.071
65	0.39	0.012	215	2.44	0.073
70	0.45	0.013	220	2.51	0.075
75	0.51	0.015	225	2.58	0.077
80	0.57	0.017	230	2.65	0.080
85	0.63	0.019	235	2.72	0.082
90	0.69	0.021	240	2.79	0.084
95	0.76	0.023	245	2.86	0.086
100	0.82	0.025	250	2.94	0.088
105	0.89	0.027	255	3.00	0.090
110	0.96	0.029	260	3.08	0.092
115	1.02	0.031	265	3.14	0.094
120	1.09	0.033	270	3.21	0.096
125	1.16	0.035	275	3.28	0.098
130	1.23	0.037	280	3.35	0.101
135	1.30	0.039	285	3.42	0.103
140	1.37	0.041	290	3.49	0.105
145	1.44	0.043	295	3.56	0.107
150	1.51	0.045	300	3.63	0.109



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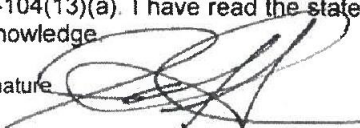
OCT 23 2018

WATER RESOURCES  
STATE ENGINEER (C.O.)

COLORADO GROUND WATER COMMISSION  
DIVISION OF WATER RESOURCES  
DEPARTMENT OF NATURAL RESOURCES  
1313 Sherman St, Room 821, Denver, CO 80203  
(303) 866-3581, [www.water.state.co.us](http://www.water.state.co.us), [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)

**APPLICATION FOR A REPLACEMENT PLAN  
WITHIN A DESIGNATED GROUND WATER BASIN  
PURSUANT TO SECTION 37-90-107.5, C.R.S.**

NOTE: This application may only be used to request Ground Water Commission approval of a replacement plan 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 Commission with a non-refundable \$100 filing fee. Type or print in black ink.

<b>1. APPLICANT INFORMATION</b>	
Name of Applicant Carefree Properties, LLC (c/o John Cockson)	
Mailing Address PO Box 88354, Colorado Springs, CO 80908	
Telephone Number (include area code) 719-495-6806	Email blackforester9@msn.com cdc@cowaterlaw.com
<b>2. GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN</b>	
County: <u>El Paso</u> Section <u>14</u> Township <u>11S</u> Range <u>65W</u>	
<b>3 THE FOLLOWING MUST BE PROVIDED AS ATTACHEMENTS TO THIS APPLICATION</b>	
<p>A. A complete description of the proposed replacement plan. The description must contain, as a minimum, the elements described in Designated Basin Rule 5.6.1, including: a detailed description of the proposed use, diversion and depletion of designated ground water that would result under the plan; a detailed description of the source of replacement water; proof that the plan will not cause material injury to water rights of other appropriators; proof that the plan will not cause unreasonable impairment of water quality; proof that the plan can and will be operated and administered on an ongoing and reliable basis.</p> <p>B. If the replacement plan is for the purpose of allowing withdrawals of ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer pursuant to Section 37-90-107(7), C.R.S. and in accordance with Designated Basin Rule 5.3.6.2.C, indicate the subject aquifer, the approved determination of water right or pending application for such determination, and provide a table showing the first 100 years of annual depletions to affected alluvial aquifer(s) caused by proposed pumping during the first 100 years, and if pumping continues beyond 100 years the annual depletions to affected alluvial aquifer(s) until pumping ceases. <b>Items 3(A) and 3(B) - see attached engineering report</b></p> <p>C. A written summary of the replacement plan application for publication. The summary should be complete enough to provide notice to the public of all elements of the plan. <b>Item 3(C) - see attachment summary of plan</b></p>	
<p><b>4. SIGNATURE</b> – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.</p> <p>Signature:  Date: <u>10/22/18</u></p> <p>Print name and title: <u>John G. Cockson</u></p>	
<b>FOR OFFICE USE ONLY</b>	
<p>DIV <u>1</u> CO <u>WD</u> <u>1</u> BASIN <u>2</u> MD <u>    </u></p> <p>Transaction #: <u>3688999</u> <sup>E</sup>  Date: <u>10/23/2018</u> <u>11:14:08 AM</u>  Transaction Total: <u>\$340.00</u> Form GWS-69 (3/2018)  CREDIT CARD <u>\$340.00</u></p>	





Groundwater Investigations Inc. • 611 N Nevada Ave. Ste 203 • Colorado Springs, CO 80905 • (719) 538-1805

TO: John G. Cockson  
Carefree Properties LLC  
9905 Hardy Rd.  
Colorado Springs, CO 80908

CC: Chris Cummins  
MONSON, CUMMINS & SHOHET, LLC  
13511 Northgate Estates Dr., Ste. 250  
Colorado Springs, Colorado 80921

RE: Denver Basin Groundwater Depletion Analysis

Date: October 13, 2018

The following presents the results of the groundwater evaluation a the 19.6- acre vacant property situated in Kiowa-Bijou Designated Basin having the address 10675 Hardy Road Colorado Springs Co 80908 in El Paso County and with schedule number 5114000007 and in the SE ¼ SE ¼ SEC 14-11-65 (Property). The purpose of this groundwater assessment is to quantify the amount of groundwater beneath the property and evaluate the impact of pumping on groundwater recharge to streams and develop a replacement plan to prevent injury to protect surface water rights.

#### Methodology

The Dawson Aquifer is identified as not-non tributary, the State approved groundwater model AUG3 was used to evaluate the amount of depletion the occurs to hydraulically connected stream systems.

#### Results

##### 1. Water Quantification

The table below represents the total estimated amount of water that is available in each aquifer under the Property.

Groundwater Quantification								
Elevation 7400 ft amsl		Acres 19.6		SE ¼SE¼ Sec 14 T11S R65W				
Denver Basin Aquifer	Elevation (ft amsl)		Net Sand (ft)	Depth (feet)		Total (AF)	100 Year (AF)	300 Year (AF)
	Bottom	Top		Bottom	Top			
Dawson (NNT)	6395	7337	450	1005	63	1764	17.64	5.88
Denver (NT)	5531	6358	360	1870	1040	1199	11.99	-
Arapahoe (NT)	4988	5490	265	2410	1910	883	8.83	-
Laramie Fox Hills (NT)	4380	4680	200	3040	2720	588	5.88	-

The Dawson aquifer is not non-tributary and use of water from this aquifer will require a replacement plan for actual stream depletions that result from pumping. The state allows water to

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be applied to beneficial use at a rate no greater than a 100-year depletion. However, El Paso County requires a 300-year water supply for residential use in new subdivisions so the last column in the above table reflects the maximum annual amount that may be withdrawn to meet this requirement. The Arapahoe and Laramie Fox Hills aquifers are non-tributary and subject to the requirement of C.R.S. §37-90-137(9)(b), such that no more than 98% of the amount withdrawn annually shall be consumed. Therefore, a maximum of 11.75 AF/Yr from the Denver, 8.65 AF/Yr from the Arapahoe and 5.76 AF from the Laramie Fox Hills may be used for beneficial purposes on an annual basis.

## 2. Depletion Analysis

A stream depletion analysis for the not non-tributary Dawson aquifer was accomplished using the state's AUG3 groundwater model (DA02). The total stream depletion in Kiowa-Bijou Designated Groundwater Basin from pumping 3.0 AF/Yr (1 AF per lot) in the 100<sup>th</sup> year was calculated to be 0.024 AF, or 0.8% of the pumped amount. The maximum depletion of 0.095 AF occurs in the 300<sup>th</sup> and final year of pumping or 3.17 % of the pumped amount; all depletions occur to a tributary of Kiowa Creek.

## Proposed Use and Existing Wells

Groundwater uses on the Property will include: Domestic (in home, irrigation of lawn and gardens and domestic animals), Irrigation, and Replacement. The 19.6 -acre Property is proposed to become a minor subdivision consisting of three lots. There are no existing wells.

## Replacement

Wastewater will be treated using a non-evaporative septic system discharged to a leach field. It is accepted that 10 percent of water used in the home is consumed and the remaining water treated through non-evaporative septic system will replenish the stream system as return flow. Based on an in-home use of 0.20 AF/Yr, 0.18 AF/Yr will replace stream depletions in time and location during the pumping period and thereby prevent injury of downstream surface water rights.



Julia M. Murphy, MS PG  
Hydrogeologist /Professional Geologist

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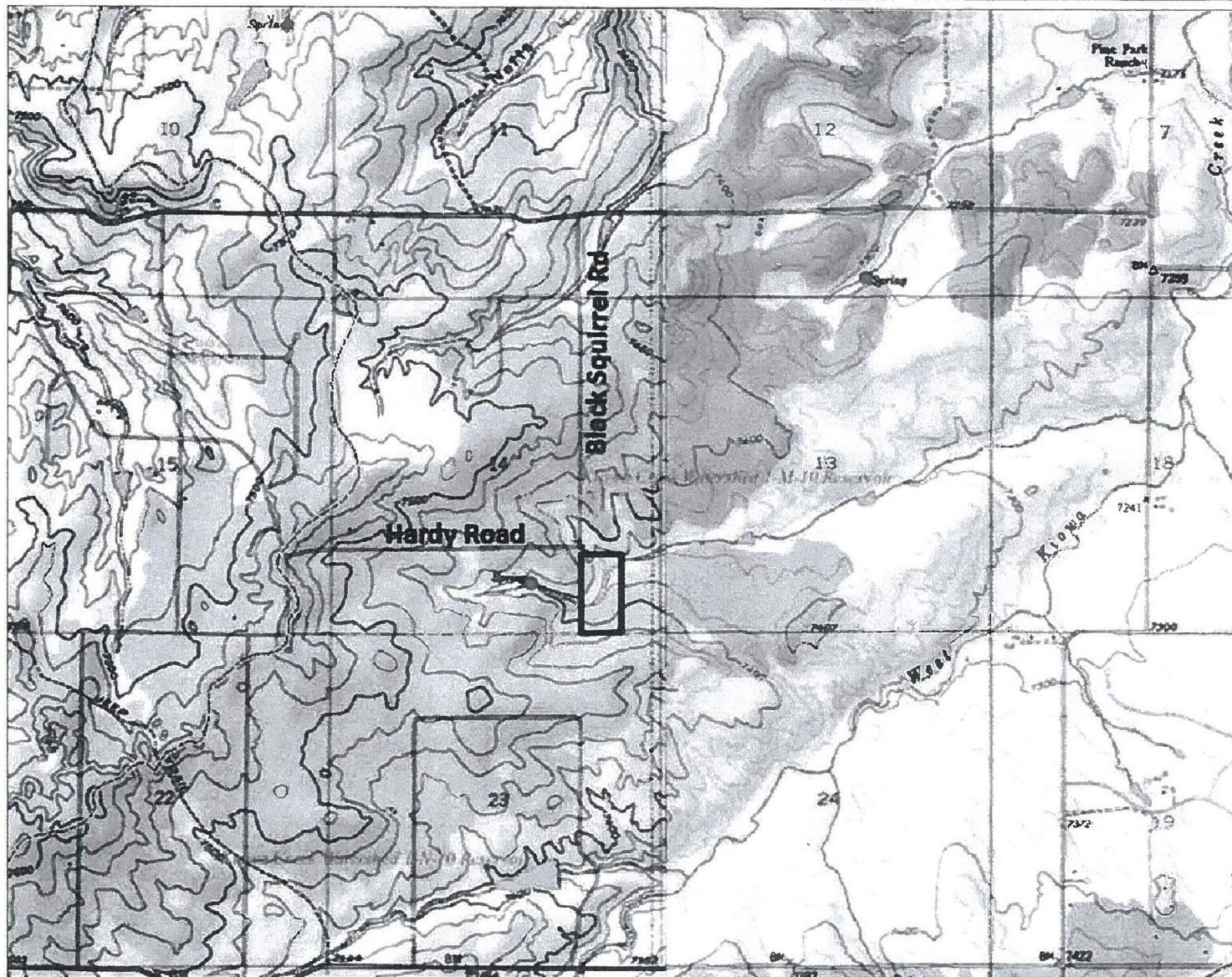




CDSS

Colorado's Decision Support Systems

## Carefree Properties LLC, Replacement Plan



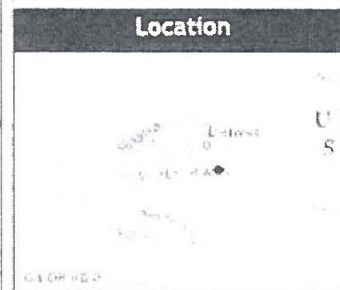
**Legend**

- NHDPoint
- NHDArea
  - CanalDitch
  - StreamRiver
- NHDWaterbody
  - LakePond
  - Reservoir
  - SwampMarsh
- NHDFlowline
  - ArtificialPath
  - CanalDitch
  - Connector
  - Pipeline
  - StreamRiver
  - Underground Conduit
- WDB\_HUC12
- County

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**Notes**

Geology Map  
W2SE4SE4 S14 T11S R65W

4,677 0 2,339 4,677 Feet

1: 28,064



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Date Prepared: 10/12/2018 1:56:12 PM



**ATTACHMENT TO REPLACEMENT PLAN**  
Application of Carefree Properties, LLC for Dawson Aquifer  
**SUMMARY OF PLAN**

Applicant seeks a replacement plan for use of the not nontributary Upper Dawson aquifer underlying a tract of land in the SE¼ SE¼ of Section 14, Township 11 South, Range 65 West of the 6th P.M. described as follows:

The West½ of the SE¼ of the SE¼ of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado.

Applicant proposes to pump approximately 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) on a total 3 individual wells to be located on 3 residential lots as part of a minor subdivision of Applicant's above described property. Maximum annual depletions have been determined to amount to 3.17% of actual pumping in the 300th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in house use. Conservatively, a minimum of 0.20 annual acre-feet will be used for in-house use, resulting in septic return flows of 0.18 acre feet annually per lot, or a total of 0.54 acre feet annually. The remainder of the pumping per lot, 0.8 annual acre-feet, will be used for other accessory uses of landscape/lawn and garden irrigation, and for watering of domestic animals and livestock. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.54 acre-feet, or 18% of pumping, exceeding the maximum depletion of 0.095 acre feet, or 3.17% of pumping.

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Summary Table 1			Summary Table 2				
			Model Period (years)	300			
Applicant Name	Carefree Properties, LLC		Applicant Name	Carefree Properties, LLC			
Receipt No.	0		Receipt No.	0			
Number of Years of Pumping	300		Number of Years of Pumping	300			
Pumping Rate (ac-ft/yr)	3.00		Pumping Rate (ac-ft/yr)	3.00			
Total Volume (ac-ft)	900		Total Volume (ac-ft)	900			
Legal for All Sections	Section 14, T11S, R65W, 6th P.M.		Legal for All Sections	Section 14, T11S, R65W, 6th P.M.			
Model	DA02		Model	DA02			
Aquifer	Dawson		Aquifer	Dawson			
100th Year Stream Depletion			Maximum Stream Depletion				
Streams	100th Year Depletion (ac-ft/yr)	q/Q (%)	Streams	Max.Depletion during model period (ac-ft/yr)	Year during model period	Max. Depletion during pumping period (ac-ft/yr)	Year during pumping period
MONUMENT	0.009	0.299	MONUMENT	0.057	300	0.057	300
EAST PLUM-W BRANCH	0.000	0.002	EAST PLUM-W BRANCH	0.006	300	0.006	300
EAST PLUM-E BRANCH	0.000	0.006	EAST PLUM-E BRANCH	0.005	300	0.005	300
WEST CHERRY	0.023	0.755	WEST CHERRY	0.092	300	0.092	300
EAST CHERRY	0.075	2.499	EAST CHERRY	0.164	300	0.164	300
CHERRY	0.002	0.082	CHERRY	0.028	300	0.028	300
KIOWA	0.024	0.810	KIOWA	0.103	300	0.103	300
KETTLE	0.004	0.146	KETTLE	0.022	300	0.022	300
SAND-DIV2	0.004	0.144	SAND-DIV2	0.042	300	0.042	300
BIG SANDY	0.000	0.000	BIG SANDY	0.000	300	0.000	300
BLACK SQUIRREL-UBSCDB	0.000	0.011	BLACK SQUIRREL-UBSCDB	0.006	300	0.006	300
Total	0.143	4.757	Total	0.525	300	0.525	300

South Platte (Division 1)	0.100	3.346	South Platte Basin	0.397	300	0.397	300
Arkansas (Division 2)	0.018	0.589	Arkansas Basin	0.128	300	0.128	300
Designated Basin	0.025	0.822	Designated Basin	0.109	300	0.109	300

Created by Ground Water Commission Staff: aat on October 31, 2018





STATE OF  
COLORADO

Thyne - DNR, Ailis <ailis.thyne@state.co.us>

---

**RE: FW: Fw: Determination of Water Right Replacement Plan for Carefree Properties**

1 message

---

**Chris Cummins** <cdc@cowaterlaw.com>

Fri, Nov 16, 2018 at 4:46 PM

To: "Thyne - DNR, Ailis" <ailis.thyne@state.co.us>, "jmurphy@2gwi.com" <jmurphy@2gwi.com>

Cc: "blackforester9@msn.com" <blackforester9@msn.com>

Ailis:

While I may think this level of detail a bit silly, I do truly appreciate you allowing me to make the handwritten/initialed changes – see attached. Please do add “replacement” as a use in each determination and in the publication summary, that is indeed our client’s intent. Thanks for your attention to detail, and have a great Thanksgiving

Chris D. Cummins

MONSON, CUMMINS & SHOHE, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

cdc@cowaterlaw.com

www.cowaterlaw.com



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**From:** Thyne - DNR, Ailis [mailto:ailis.thyne@state.co.us]

**Sent:** Friday, November 16, 2018 9:46 AM



**To:** Chris Cummins; jmurphy@2gwi.com

**Subject:** Re: FW: Fw: Determination of Water Right Replacement Plan for Carefree Properties

Hi Chris,

Upon further review of the applications for Determination of Water Rights and Replacement Plan. Some additional information is needed.

- The name on the deed submitted with the application is Carefree Properties LLC, however on the attached Nontributary Ground Water Landownership Statement (GWS-1) forms the name of the owner claiming ownership of the property is written as "John Cockson, as Managing Member of Carefree Properties, LLC". Please have the only the name of the owner of the property, Carefree Properties, LLC, be on the GWS-1 forms. Please note that you can amend the attached forms, but please initial and date any changes made.

- The report for the replacement plan requests a use of replacement, however this use is not requested for the Determinations or in the publication summary for the replacement plan. Please indicate if you would like to add replacement as a use in the Determinations and in the publication summary for the replacement plan OR please indicate if replacement is not a use in the replacement plan. Please note that when using in-house septic tank return flows as a replacement source, replacement is not a required use of the Determination or the replacement plan.

If you have any questions, please contact me at 303-866-3581 ext. 8216.

Sincerely,

Ailis Thyne

Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

303.866.3581 x8216

1313 Sherman Street, Room 818, Denver, CO 80203

ailis.thyne@state.co.us | www.water.state.co.us

On Tue, Nov 13, 2018 at 12:25 PM Chris Cummins <cdc@cowaterlaw.com> wrote:

Ailis – as Attorney for Carefree Properties, please change to the depletion amount in the summary for publication from 0.095 AF/yr to 0.109 AF/yr as you and Julia have been discussing. We would, like the Commission, prefer to publish the correct figure.



Thanks,

Chris D. Cummins

MONSON, CUMMINS & SHOHET, LLC

13511 Northgate Estates Dr., Ste. 250

Colorado Springs, Colorado 80921

(719) 471-1212

cdc@cowaterlaw.com

www.cowaterlaw.com

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**From:** J Murphy [mailto:jmurphy@2gwi.com]

**Sent:** Tuesday, November 13, 2018 12:22 PM

**To:** Chris Cummins

**Subject:** Fw: Fw: Determination of Water Right Replacement Plan for Carefree Properties

Chris,

Please send Ailis an email requesting to " Please change to the depletion amount in the summary for publication from 0.095 AF/yr to 0.109 AF/yr for Carefree properties".

Julia

Julia M. Murphy MS PG

Professional Geologist/Hydrogeologist

Groundwater Investigations LLC

614 N. Nevada Ave Ste 203

Colorado Springs CO 80903



(719) 338-1805

----- Forwarded Message -----

**From:** "Thyne - DNR, Ailis" <ailis.thyne@state.co.us>

**To:** jmurphy@2gwi.com

**Sent:** Monday, November 5, 2018 2:36 PM

**Subject:** Re: Fw: Determination of Water Right Replacement Plan for Carefree Properties

Hi Julia,

So if the summary for the publication isn't changed, it would be published as is, but in the Determinations we would use the more accurate depletion amount and this could cause some confusion in that there was a different amount published than what is in the final determination. However, if there was an instance in which the difference in depletions amounts were much greater, we would like the correct amount of actual depletions to be published, because we don't feel it is a wise use of resources to publish an application we would then object to.

Please note that the change to the depletion amount can be done in the format of an email asking the depletion amount be changed from 0.095 AF/yr to 0.109 AF/yr.

Please let me know if you have any other questions.

Regards,

Ailis Thyne

Water Resource Engineer



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

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1313 Sherman Street, Room 818, Denver, CO 80203

ailis.thyne@state.co.us | [www.water.state.co.us](http://www.water.state.co.us)

On Fri, Nov 2, 2018 at 10:32 AM J Murphy <jmurphy@2gwi.com> wrote:

Ailis, Can you answer this?



Julia

Julia M. Murphy MS PG

Professional Geologist/Hydrogeologist

Groundwater Investigations LLC

614 N. Nevada Ave Ste 203

Colorado Springs CO 80903

(719) 338-1805

----- Forwarded Message -----

**From:** Chris Cummins <cdc@cowaterlaw.com>

**To:** J Murphy <jmurphy@2gwi.com>

**Cc:** "blackforester9@msn.com" <blackforester9@msn.com>

**Sent:** Friday, November 2, 2018 8:20 AM

**Subject:** RE: Determination of Water Right Replacement Plan for Carefree Properties

Julia – obviously the small change doesn't bother me, but since they put it in the form of a question, what if we don't make that change? Will they issue the determinations/replacement plan anyway, using the proper math? That obviously would be my preference in order to save John some \$ in our revisions, and of course that is how the water court would handle it through DEO/SEO reports, but I know the GWC has its quirks...

Thanks,

Chris D. Cummins

MONSON, CUMMINS & SHOHET, LLC

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cdc@cowaterlaw.com

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**From:** J Murphy [mailto:jmurphy@2gwi.com]  
**Sent:** Thursday, November 01, 2018 10:31 PM  
**To:** Chris Cummins  
**Subject:** Fw: Determination of Water Right Replacement Plan for Carefree Properties

Chris, the state applied the revised model that uses one year iterations rather than 5 year and therefore want to use a 300th year depletion rate of 0.109 AF/Yr (from 0.95 AF/Yr); this "increase" (tongue in cheek) has no impact on the replacement as proposed. Would you like me to make the report change? You would need to modify the summary paragraph and send it in. I will apply the unreleased 2018 model to all future applications.

Thank you,

Julia

Julia M. Murphy MS PG  
Professional Geologist/Hydrogeologist  
Groundwater Investigations LLC  
614 N. Nevada Ave Ste 203  
Colorado Springs CO 80903  
(719) 338-1805

----- Forwarded Message -----

**From:** "Thyne - DNR, Ailis" <ailis.thyne@state.co.us>  
**To:** jmurphy@2gwi.com  
**Sent:** Thursday, November 1, 2018 3:58 PM  
**Subject:** Determination of Water Right Replacement Plan for Carefree Properties

Dear Julia,

When running the AUG3 for 3 AF/yr for 300 year, it was found that the actual depletions at year 300 are 0.109 AF/yr versus 0.095 AF/yr as stated in the replacement plan. Please let me know if you would like to update the replacement plan report and summary maximum depletions at year 300 from 0.095 AF/yr to 0.109 AF/yr.



Also please find attached a new Tape12.dat file that will be included with the 2018 AUG3 release later this year, but you can use before the the 2018 version is released as this has a more accurate convergence criteria to be met.

If you have questions, please contact me at this office at 303-866-3581 ext. 8216 or email to [ailis.thyne@state.co.us](mailto:ailis.thyne@state.co.us).

Sincerely,

**Ailis Thyne**

**Water Resource Engineer**



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

303.866.3581 x8216

1313 Sherman Street, Room 818, Denver, CO 80203

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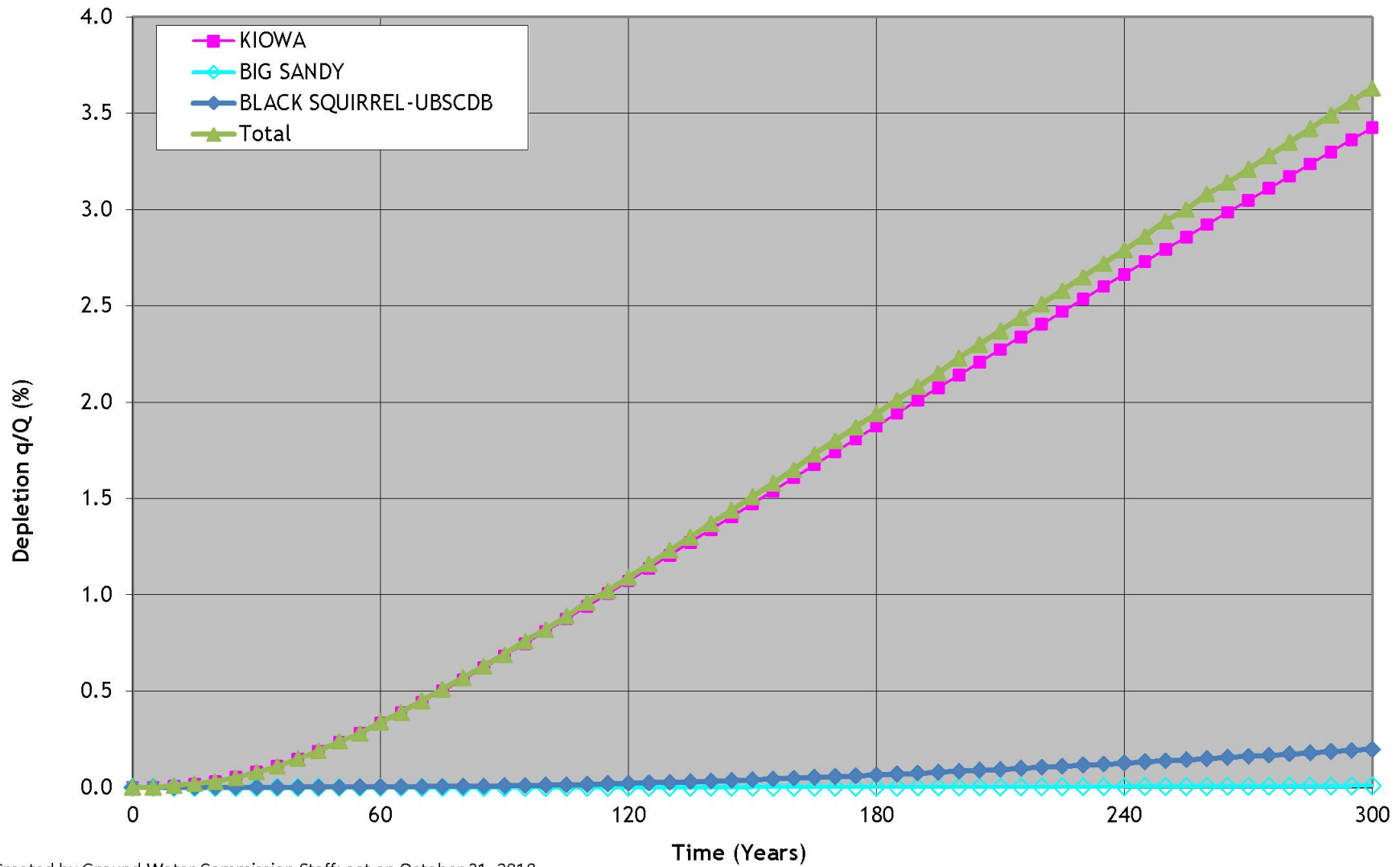


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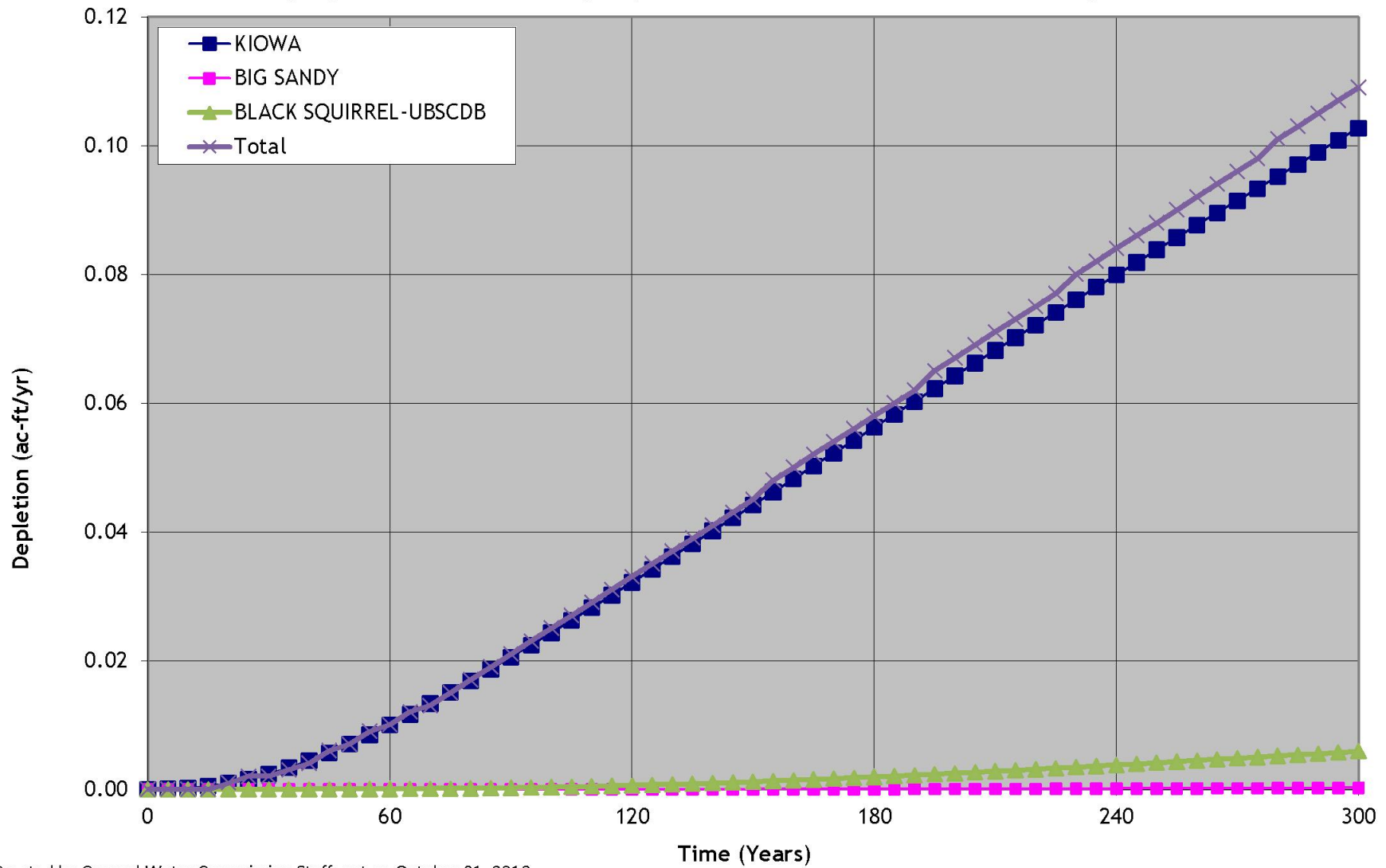


Stream Depletion for Carefree Properties, LLC  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer





Stream Depletion for Carefree Properties, LLC  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer





Stream Depletion for Carefree Properties, LLC  
Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer

	Kiowa Bijou Designated		Upper Big Sandy Designated		Upper Black Squirrel		TOTAL	
	KIOWA		BIG SANDY		BLACK SQUIRREL-UBSCDB			
Time	q/Q	vol. /yr	q/Q	vol. /yr	q/Q	vol. /yr	q/Q	vol. /yr
(yr)	(%)		(%)		(%)		(%)	
0	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000
5	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000
10	0.01	0.000	0.00	0.000	0.00	0.000	0.01	0.000
15	0.02	0.000	0.00	0.000	0.00	0.000	0.02	0.000
20	0.03	0.001	0.00	0.000	0.00	0.000	0.03	0.001
25	0.05	0.002	0.00	0.000	0.00	0.000	0.05	0.002
30	0.08	0.002	0.00	0.000	0.00	0.000	0.08	0.002
35	0.11	0.003	0.00	0.000	0.00	0.000	0.11	0.003
40	0.15	0.004	0.00	0.000	0.00	0.000	0.15	0.004
45	0.19	0.006	0.00	0.000	0.00	0.000	0.19	0.006
50	0.23	0.007	0.00	0.000	0.00	0.000	0.24	0.007
55	0.28	0.008	0.00	0.000	0.00	0.000	0.28	0.009
60	0.33	0.010	0.00	0.000	0.00	0.000	0.34	0.010
65	0.39	0.012	0.00	0.000	0.00	0.000	0.39	0.012
70	0.44	0.013	0.00	0.000	0.00	0.000	0.45	0.013
75	0.50	0.015	0.00	0.000	0.00	0.000	0.51	0.015
80	0.56	0.017	0.00	0.000	0.01	0.000	0.57	0.017
85	0.62	0.019	0.00	0.000	0.01	0.000	0.63	0.019
90	0.68	0.021	0.00	0.000	0.01	0.000	0.69	0.021
95	0.75	0.022	0.00	0.000	0.01	0.000	0.76	0.023
100	0.81	0.024	0.00	0.000	0.01	0.000	0.82	0.025
105	0.87	0.026	0.00	0.000	0.01	0.000	0.89	0.027
110	0.94	0.028	0.00	0.000	0.02	0.000	0.96	0.029
115	1.01	0.030	0.00	0.000	0.02	0.001	1.02	0.031
120	1.07	0.032	0.00	0.000	0.02	0.001	1.09	0.033
125	1.14	0.034	0.00	0.000	0.02	0.001	1.16	0.035
130	1.20	0.036	0.00	0.000	0.03	0.001	1.23	0.037
135	1.27	0.038	0.00	0.000	0.03	0.001	1.30	0.039
140	1.34	0.040	0.00	0.000	0.03	0.001	1.37	0.041
145	1.41	0.042	0.00	0.000	0.04	0.001	1.44	0.043
150	1.47	0.044	0.00	0.000	0.04	0.001	1.51	0.045
155	1.54	0.046	0.00	0.000	0.04	0.001	1.58	0.048
160	1.61	0.048	0.00	0.000	0.05	0.001	1.65	0.050
165	1.67	0.050	0.00	0.000	0.05	0.002	1.73	0.052
170	1.74	0.052	0.00	0.000	0.06	0.002	1.80	0.054
175	1.81	0.054	0.00	0.000	0.06	0.002	1.87	0.056
180	1.87	0.056	0.00	0.000	0.06	0.002	1.94	0.058
185	1.94	0.058	0.00	0.000	0.07	0.002	2.01	0.060
190	2.01	0.060	0.00	0.000	0.07	0.002	2.08	0.062
195	2.07	0.062	0.00	0.000	0.08	0.002	2.15	0.065
200	2.14	0.064	0.00	0.000	0.08	0.003	2.23	0.067
205	2.21	0.066	0.00	0.000	0.09	0.003	2.30	0.069
210	2.27	0.068	0.00	0.000	0.09	0.003	2.37	0.071
215	2.34	0.070	0.00	0.000	0.10	0.003	2.44	0.073
220	2.40	0.072	0.00	0.000	0.10	0.003	2.51	0.075
225	2.47	0.074	0.00	0.000	0.11	0.003	2.58	0.077
230	2.54	0.076	0.00	0.000	0.12	0.003	2.65	0.080
235	2.60	0.078	0.00	0.000	0.12	0.004	2.72	0.082
240	2.66	0.080	0.00	0.000	0.13	0.004	2.79	0.084
245	2.73	0.082	0.00	0.000	0.13	0.004	2.86	0.086
250	2.79	0.084	0.00	0.000	0.14	0.004	2.94	0.088
255	2.86	0.086	0.00	0.000	0.14	0.004	3.00	0.090
260	2.92	0.088	0.00	0.000	0.15	0.004	3.08	0.092
265	2.98	0.090	0.00	0.000	0.16	0.005	3.14	0.094
270	3.05	0.091	0.01	0.000	0.16	0.005	3.21	0.096
275	3.11	0.093	0.01	0.000	0.17	0.005	3.28	0.098
280	3.17	0.095	0.01	0.000	0.17	0.005	3.35	0.101
285	3.24	0.097	0.01	0.000	0.18	0.005	3.42	0.103
290	3.30	0.099	0.01	0.000	0.19	0.006	3.49	0.105
295	3.36	0.101	0.01	0.000	0.19	0.006	3.56	0.107
300	3.42	0.103	0.01	0.000	0.20	0.006	3.63	0.109



Carefree Properties, LLC Replacement Plan				
Use per lot	Applicant's estimated pumping requirement (af/yr)	Pumping amount allowed for calculating return flows (af/yr)	Return Flow (%)	Return Flow (af/yr)
In-house Use	0.2	0.2	90	0.18
Irrigation, animal watering and replacement	0.8			
<b>Total</b>	<b>1</b>			<b>0.18</b>
Depletion at 300 years (%)				3.63
Depletion at 300 years based on pumping 1 acre-feet per year (af)				0.036
Total Use for 3 Lots	Applicant's estimated pumping requirement (af/yr)	Pumping amount allowed for calculating return flows (af/yr)	Return Flow (%)	Return Flow (af/yr)
In-house Use	0.6	0.6	90	0.54
Irrigation, animal watering and replacement	2.4			
<b>Total</b>	<b>3</b>			<b>0.54</b>
Depletion at 300 years (%)				3.63
Depletion at 300 years based on pumping 3 acre-feet per year (af)				0.109

Created by Ground Water Commission Staff: aat on October 31, 2018





**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Kevin G. Rein, P.E.  
Director/State Engineer

December 17, 2018

Carefree Properties, LLC  
PO Box 88354  
Colorado Springs, CO 80908  
blackforester9@msn.com  
cdc@cowaterlaw.com

RE: Applications for Determinations of Water Right to Appropriate Ground Water from the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers Underlying a 19.6-Acre Tract, Receipt Nos. 3688999A, 3688999B, 3688999C and 3688999D and an application for a replacement plan to allow the withdrawal of ground water from the Dawson aquifer, Receipt No. 3688999E

Dear Applicant:

Enclosed is a copy of the legal notice to be published in the Ranchland News newspaper as required for the above described applications. If you find any errors or omissions in the notice, please contact this office by phone as soon as possible so that corrections may be made prior to publication. This office will bill you at a later time for the actual cost of this publication.

If you have any questions concerning these applications, please contact me at this office at (303) 866-3581.

Sincerely,

Ailis Thyne  
Water Resource Engineer

Enclosures: a/s

Office of the State Engineer

1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581

[www.water.state.co.us](http://www.water.state.co.us)







**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Kevin G. Rein, P.E.  
Director/State Engineer

December 17, 2018

Ranchland News  
[ranchland@bigsandytelco.com](mailto:ranchland@bigsandytelco.com)

Applicant: Carefree Properties, LLC

**-EMAIL- DOCUMENT TRANSFER-**

Please publish the enclosed legal notice in your editions of December 20, 2018 and December 27, 2018, or as close to these dates as possible. Please single-space all the enclosed material in your standard single column legal notice format. Font size shall not be less than six-point type and not more than nine-point in size.

Prior to publishing the legal notice, a proof copy must be submitted to this office for approval. The Ground Water Commission staff will inspect the proof copy and a reply as to its correctness will be made immediately by phone or email to your office. The proof copy must be directed to the attention of Ailis Thyne, Colorado Division of Water Resources at 1313 Sherman St. Room 818, Denver CO 80203, or by email [Ailis.Thyne@state.co.us](mailto:Ailis.Thyne@state.co.us).

The state Controller and the State Purchasing Agent require that a copy of the billing and a copy of the proof of publication affidavit must be received in order to process billing invoices for legal notice publications. The proof of publication must be notarized.

Since we must re-bill the applicant prior to the official action concerning their application request, please transmit the billing copies together with the proofs of publication as soon as possible.

Should you have any questions concerning publication of this notice, please contact this office.

Sincerely,

Ailis Thyne  
Water Resource Engineer

Enclosure (a/s)

Office of the State Engineer

1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581

[www.water.state.co.us](http://www.water.state.co.us)





BEFORE THE COLORADO GROUND WATER COMMISSION

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KIOWA-BIJOU DESIGNATED GROUND WATER BASIN - EL PASO COUNTY

---

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Carefree Properties, LLC (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 19.6 acres generally described as the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth 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 from these allocations will be used on the described property for the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The maximum allowable annual amount of ground water in the 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 aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the application by the Commission Staff finds the annual amount of water available for allocation from the aquifers underlying the above-described property to be 5.59 acre-feet for the Laramie-Fox Hills aquifer, 8.66 acre-feet for the Arapahoe aquifer, 11.8 acre-feet for the Denver aquifer and 16.7 acre-feet for the Dawson aquifer, subject to final staff evaluation. The estimated available annual acre-feet allocation for each aquifer may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the application finds the replacement water requirement status for the aquifers underlying the above-described property to be nontributary for the Laramie-Fox Hills aquifer, nontributary for the Arapahoe aquifer, nontributary for the Denver aquifer and not-nontributary (actual impact replacement) for the Dawson aquifer.

Upon Commission approval of the determination of water right, well permits for wells to withdraw the allowed allocation 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 aquifer and must be located on the above-described 19.6 acre property. Well permits for wells to withdraw ground water from the Dawson aquifer would also be subject to the conditions of a replacement plan to be approved by the Commission.

TAKE NOTICE that pursuant to Section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Carefree Properties, LLC has submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary ground water from the Dawson aquifer within the Kiowa-Bijou Designated Basin. The applicant has submitted the following summary of the plan for publication.

Applicant seeks a replacement plan for use of the not nontributary Upper Dawson aquifer underlying a tract of land in the SE ¼, SE ¼ of Section 4, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M. described as follows: The West ½ of the SE ¼ of the SE ¼ of Section 14, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M.; Excepting a perpetual easement for the roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado. Application proposes to pump approximately 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) and replacement on a total 3 individual wells to be located on 3 residential lots as part of a minor subdivision of Applicant's above described property. Maximum annual depletions have been determined to amount to 3.63% of actual pumping in the



300<sup>th</sup> year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in house use. Conservatively, a minimum of 0.20 annual acre-feet will be used for in-house use, resulting in septic return flows of 0.18 acre feet annually per lot, or a total of 0.54 acre feet annually. The remainder for the pumping per lot, 0.8 annual acre-feet, will be used for other accessory uses of landscape/lawn and garden irrigation, for watering of domestic animals and livestock and replacement. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.54 acre-feet , or 18% of pumping, exceeding the maximum depletion of 0.109 acre-feet, or 3.63% of pumping.

The replacement plan is being considered for approval by the Commission in accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells that are located in the alluvial aquifer of Kiowa Creek. Terms and conditions may be required to prevent material injury and provide for administration. The application is published as required by statute and does not imply that the Commission will approve the proposed plan in its present form.

Any person wishing to object to the approval of these determinations of water right and/or replacement plan must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and specific application(s) that are the subject of the objection. The objection must be accompanied by a \$10 fee per application being objected to and must be received by the Commission Staff, Colorado Ground Water Commission, 1313 Sherman Street, Room 821, Denver, Colorado 80203, by January 26, 2018.



# PUBLISHER'S AFFIDAVIT

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ELBERT )

I, Jenna Lister, do solemnly affirm that I am the Publisher of RANCHLAND 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;

December 20, 2018

and the last publication of said notice was in the issue of said newspaper dated;  
December 27, 2018

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.

*Jenna 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

27 day of December, 2018

*Susan Lister*

Notary Public

09/20/2020

(My Notary Public Commission Expiration Date)

SUSAN LISTER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19964014317  
MY COMMISSION EXPIRES 09/20/2020

## Determinations of Water Right

### BEFORE THE COLORADO GROUND WATER COMMISSION

KIOWA-BIJOU DESIGNATED GROUND WATER BASIN - EL PASO COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Carefree Properties, LLC (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 19.6 acres generally described as the W 1/2 of the SE 1/4 of the SE 1/4, Section 14, Township 11 South, Range 65 West, Sixth 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 from these allocations will be used on the described property for the following beneficial uses: domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement. The maximum allowable annual amount of ground water in the 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 aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the application by the Commission Staff finds the annual amount of water available for allocation from the aquifers underlying the above-described property to be 5.59 acre-feet for the Laramie-Fox Hills aquifer, 8.66 acre-feet for the Arapahoe aquifer, 11.8 acre-feet for the Denver aquifer and 16.7 acre-feet for the Dawson aquifer, subject to final staff evaluation. The estimated available annual acre-feet allocation for each aquifer may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the application finds the replacement water requirement status for the aquifers underlying the above-described property to be nontributary for the Laramie-Fox Hills aquifer, nontributary for the Arapahoe aquifer, nontributary for the Denver aquifer and not-nontributary (actual impact replacement) for the Dawson aquifer.

Upon Commission approval of the determination of water right, well permits for wells to withdraw the allowed allocation 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 aquifer and must be located on the above-described 19.6 acre property. Well permits for wells to withdraw ground water from the Dawson aquifer would also be subject to the conditions of a replacement plan to be approved by the Commission. TAKE NOTICE that pursuant to Section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Carefree Properties, LLC has submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary ground water from the Dawson aquifer within the Kiowa-Bijou Designated Basin. The applicant has submitted the following summary of the plan for publication.

Applicant seeks a replacement plan for use of the not nontributary Upper Dawson aquifer underlying a tract of land in the SE 1/4, SE 1/4 of Section 4, Township 11 South, Range 65 West of the 6th P.M., described as follows: The West 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for the roadway utilities, ingress and egress purposes over and across the north 40 feet, County of El Paso, State of Colorado. Application proposes to pump approximately 3.0 annual acre-feet of water from the Upper Dawson aquifer for domestic-type uses, including in-house, landscape/irrigation of lawn and gardens, and watering of domestic animals and stock (horses or similar) and replacement on a total 3 individual wells to be located on 3 residential lots as part of a minor subdivision of Applicant's above described property. Maximum annual depletions have been determined to amount to 3.63% of actual pumping in the 300th year of pumping. Replacements shall be made by means of septic return flows in the amount of 90% of diversions to in house use. Conservatively, a minimum of 0.20 annual acre-feet will be used for in-house use, resulting in septic return flows of 0.18 acre feet annually per lot, or a total of 0.54 acre feet annually. The remainder for the pumping per lot, 0.8 annual acre-feet, will be used for other accessory uses of landscape/lawn and garden irrigation, for watering of domestic animals and livestock and replacement. Total replacement for the pumping of 3.0 annual acre-feet amounts to 0.54 acre-feet, or 18% of pumping, exceeding the maximum depletion of 0.109 acre-feet, or 3.63% of pumping.

The replacement plan is being considered for approval by the Commission in accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells that are located in the alluvial aquifer of Kiowa Creek. Terms and conditions may be required to prevent material injury and provide for administration. The application is published as required by statute and does not imply that the Commission will approve the proposed plan in its present form.

Any person wishing to object to the approval of these determinations of water right and/or replacement plan must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and specific application(s) that are the subject of the objection. The objection must be accompanied by a \$10 fee per application being objected to and must be received by the Commission Staff, Colorado Ground Water Commission, 1313 Sherman Street, Room 821, Denver, Colorado 80203, by January 26, 2018.

First Publication December 20, 2018

Final Publication December 27, 2018

In Ranchland News

Legal No. 388

RECEIVED

DEC 30 2018

WATER RESOURCES  
STATE ENGINEER'S OFFICE



Ranchland News

PO Box 307

Simla, CO 80835

719-541-2288

ranchland@bigsandytelco.com

# Invoice

Date	Invoice #
12/20/2018	39886

Bill To

Colorado Ground Water Commission  
1313 Sherman Street, Room 818  
Denver, CO 80203

RECEIVED

DEC 30 2018

WATER RESOURCES  
STATE ENGINEER COLO.

		P.O. No.	Terms	Project
			Net 30	
Quantity	Description	Rate		Amount
145	Legal- 11.5 picas	0.494		71.63
145	Legal- 11.5 picas- rerun	0.345		50.03
	Legal 388			
			<b>Total</b>	\$121.66





**COLORADO**  
**Division of Water Resources**  
 Department of Natural Resources

John W. Hickenlooper  
 Governor

Robert Randall  
 Executive Director

Kevin G. Rein, P.E.  
 Director/State Engineer

RECEIVED

JAN 14 2019

WATER RESOURCES  
 STATE ENGINEER  
 COLO

January 3, 2019

Carefree Properties, LLC  
 PO Box 88354  
 Colorado Springs, CO 80908  
 blackforester9@msn.com  
 cdc@cowaterlaw.com

Invoice No. 19-PUB-48

### INVOICE

Pursuant to Section 37-90-116, C.R.S., applicants are required to pay for the actual expense of publication for determinations of water right, replacement plan, well permit, and change of water right applications.

Your applications for determination of water rights to appropriate ground water from the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers and replacement plan for the Lower Arapahoe, Lower Dawson and Dawson aquifers were published in Ranchland News on December 20, 2018 and December 27, 2018.

The following cost was incurred:

1. Actual cost of publication: \$ 121.66
2. Additional fees: none

PAYABLE TO: DIVISION OF WATER RESOURCES \$ 121.66

Your application cannot be considered for approval until the charges are paid.  
*Please return the enclosed copy of this invoice with remittance within thirty (30) days.*

(A copy of the publication affidavit is enclosed for your records.)

Sincerely,

Artis Thyne  
 Water Resource Engineer

Enclosures: a/s

Transaction #: 3690076  
 Date: 1/14/2019 1:06:57 PM  
 Transaction Total: \$121.66  
 CHECK #1066 \$121.66

Office of the State Engineer  
 1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581  
 www.water.state.co.us







**COLORADO**  
Division of Water Resources  
Department of Natural Resources

WELL PERMIT NUMBER 84274-F  
RECEIPT NUMBER 10000223

**ORIGINAL PERMIT APPLICANT(S)**

ANDREA RAPSON  
WILLIAM RAPSON

**APPROVED WELL LOCATION**

Water Division: 1 Water District: 1  
Designated Basin: KIOWA-BIJOU  
Management District: N/A  
County: EL PASO  
Parcel Name: N/A  
Physical Address: 10675 HARDY RD COLORADO SPRINGS,  
CO 80908

**AUTHORIZED AGENT**

DANIELLE DOYLE

SE 1/4 SE 1/4 Section 14 Township 11.0 S Range 65.0 W Sixth P.M.

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

Easting: 531992.0 Northing: 4326608.0

**PERMIT TO CONSTRUCT A NEW WELL**

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

**CONDITIONS OF APPROVAL**

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated January 31, 2019, for Determination of Water Right No. 3637-BD and its associated Replacement Plan.
- 4) The use of ground water from this well is limited to domestic use inside 2 single family dwellings, including the watering of domestic animals and livestock, and the irrigation of 1 acre of lawns and gardens. The place of use shall be limited to the 19.6 acre land area claimed in the above described Order of the Commission.
- 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 2 acre-feet, subject to the total annual withdrawal limitations and conditions as specified by the above referenced Order of the Commission.
- 7) This well must be constructed to withdraw water only from the Dawson aquifer. The total depth of the well shall not exceed 1035 feet, which corresponds to the base of the 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.
- 8) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Ground Water Commission upon request.
- 9) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 10) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Dawson aquifer.
- 11) **CONDITION REVOKED ON 06/26/2020 REPLACED BY CONDITION #12.**  
The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 12) This well will not be drilled deeper than the base of the Dawson aquifer, which is present at the surface, therefore a geophysical log would not provide DWR with data useful to the administration of ground water in this area. The requirement of Rule 9 of the Statewide Nontributary Ground Water Rules to geophysically log the entire length of the hole, is therefore waived.  
AML 06/26/2020



- 13) The return flows from the inhouse supply component of this well use have been claimed as a replacement source, pursuant to the Findings and Order of the Commission dated January 31, 2019. As a result, the return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

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.

NOTE: At the proposed well location, the Dawson aquifer is located at or near the ground surface and extends to a depth of approximately 1035 feet. Wells completed in the Dawson aquifer must be constructed in accordance with Well Construction Rule 10.4.6 (2 CCR 402-2) for a Type II aquifer.

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us>



Issued By SHANNON PORTER

Date Issued: 5/6/2020

Expiration Date: 5/6/2021

**PERMIT HISTORY**

06-26-2020 GEOPHYSICAL LOG WAIVED