

WATER RESOURCES REPORT

for

Peterson Vacation and Replat (17400 Shiloh Pines Drive)

Owner/Applicant:
Brian and Tibby Peterson
17390 Shiloh Pines Drive
Monument, CO 80132
(719) 244-7391

March 14, 2025

Prepared by:



Kimley»Horn

This document has been prepared to satisfy the requirements of El Paso County for a Water Resource Report in support of Peterson Vacation and Replat for the new parcel being created between 17390 Shiloh Pines Drive, 17410 Shiloh Pines Drive, and 3125 North Monument Lake Road.

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SUMMARY OF THE PROPOSED SUBDIVISION

SITE LOCATION

This Water Resources Report has been prepared for the Peterson Vacation and Replat to create a new 3.96 acre single family lot (the "Property") located at 17400 Shiloh Pines Drive in unincorporated Monument, Colorado. More specifically, the Property is located in the West 1 /2 of the Northwest 1 /4 of Section 15, and the East 1 /2 of the Northeast 1 /4 of Section 16, all in Township 11 South, Range 67 West of the 6th P.M, County of El Paso, State of Colorado. The Property zoned as RR-2.5 and is bordered by lots 7100000413 (zoned A-35), 7116101001 (RR-2.5) and 7116101002 (RR-2.5). There are no encumbrances of record on the Property. A legal description of the Property along with a map showing the Property in **Appendix A**.

DESCRIPTION OF PROPERTY

The Property, currently comprising 3.93 acres, was separated from the larger parcel at 3125 North Monument Lake Road through a quit claim deed. The proposed vacation and replat plan includes reconfiguring adjacent lots at 17390 and 17410 Shiloh Pines Drive to create driveway access from Shiloh Pines Drive to the Property. With the addition of this access, the Property's total area will increase to 3.96 acres. The replat will preserve the existing 2.5-acre size of 17390 and 17410 Shiloh Pines Drive, meeting all zoning requirements. This vacation and replat will result in the creation of a single consolidated lot, designed to accommodate one single-family residence.

The water information presented herein will focus on the water supply needs anticipated with proposed development of the Property however no development is proposed at this time. The future owner and builder shall conduct their own due diligence when developing new lot.

EXISTING FACILITIES AND INFRASTRUCTURE

The Property is currently undeveloped. An existing roadway extends from Mount Herman Road north to the single-family residential homes on Shiloh Pines Drive and the proposed driveway for the Property. No onsite or offsite roadway improvements are required for this Vacation and Replat. The Property features dense coverage of pine trees, native grasses, and shrubs, with no proposed drainage modifications or features. Neighboring lots at 17390 and 17410 Shiloh Pines Drive are served by the Forest View Acres Water District (FVAWD) via a water main within Shiloh Pines Drive. Public sewer service is not available to the Property or adjacent lots.

INFORMATION REGARDING SUFFICIENT QUANTITY OF WATER

CALCULATION OF WATER DEMAND

The Property is currently undeveloped with no immediate plans for development. It is anticipated, due to current zoning, that one single family unit will be developed in the future. Due to the heavily wooded terrain, significant irrigation for landscaping is not expected. Estimated water demands for the Property was calculated per the El Paso County Land Development Code and are summarized in **Table 1**. The Water Information Summary sheets required by El Paso County is included in **Appendix B**.

Table 1: Estimation of Water Demand

User Type	Unit Count	Unit Demand	Total Demand
		(GPD)	(AC-FT/Yr)
Household	1 Lot	232	0.26
Irrigation	3,200 SF	162	0.18
Stock Watering	4 Horses	45	0.05
Total:		439	0.49

The Tri-Lakes Monument Fire Protection District will provide fire protection services for the Property. Any potential wells for the Property are not anticipated to provide fire protection capacity.

CALCULATION OF QUANTITY OF WATER AVAILABLE

When the Property was separated from the larger farm lot at 3125 North Monument Lake Road (Parcel #71000-00-413), a Special Warranty Deed, dated August 3rd, 2018, granted the Property proportional adjudicated water rights secured by the Monument Lake Road property. The Special Warranty Deed is provided in **Appendix C** along with other pertinent water rights documents. Below in **Table 2**, is a summary from the Property Water Rights as detailed in the Special Warranty Deed.

Table 2: Property Water Rights via Special Warranty Deed

Aquifer	Total Water Rights
	(AC-FT)
Lower Dawson	251
Denver	150
Arapahoe	313
Laramie Fox Hills	120

It is expected that the future single-family house on the Property will be served by a well utilizing the Lower Dawson groundwater deeded to the Property. This amount is sufficient to supply the proposed new single-family residential unit with the estimated 0.49 AF/Year as calculated in Table 1. This supply provides more than enough for the annual appropriation to serve a single residence on a well for 300 years (251 AF over 300 years is 0.837 AF/year with is greater than calculated proposed demand of 0.49 AF/year).

The neighboring lots at 17390 and 17410 Shiloh Pines Drive each have a single-family unit and are served by FVAWD through the water main in Shiloh Pines Drive. The Property has an active well permit, number 91187-F, in **Appendix G**, in accordance with the augmentation plan approved by the Division 2 Water Court in Case No. 25CW3071. As there are no immediate plans for development, a renewed well permit will be secured prior to development. The Property's water may be provided to FVAWD, by future agreement, in exchange for permission to join the district if the future property owner chooses not to drill a well. A will-serve letter from FVAWD is included in **Appendix D**, confirming their commitment to serving the existing lots (17390 and 17410 Shiloh Pines Drive) as well as the proposed lot at District's average annual water demand of 0.235 acre-feet per year. This decreased demand from the calculation is supported by the FVAWD Water Supply Review Memorandum provided in **Appendix E**. Any well would be outside the 400-foot limit from the FVAWD boundary but any home would be within 700 feet, making it feasible for inclusion in the District.

INFORMATION REGARDING SUFFICIENT WATER QUALITY

The expected source of water supply is the non-tributary Dawson aquifer which has been used by the adjacent farm property and residence at 3125 Monument Lake Road, with sufficient water quality since

1977 (Well Permit No. 48273-A, May 16, 1977). All groundwater will be used on the overlying land. If an agreement with Forest View Acres Water District is made, it will expand the supply authorization for FVAWD, which is used by the adjacent Shiloh Pines subdivision, and rely on the FVAWD water quality standards. FVAWD post annual water quality reports for the preceding year. Currently, the most recent year available is 2022. Water Quality results are included in **Appendix E**.

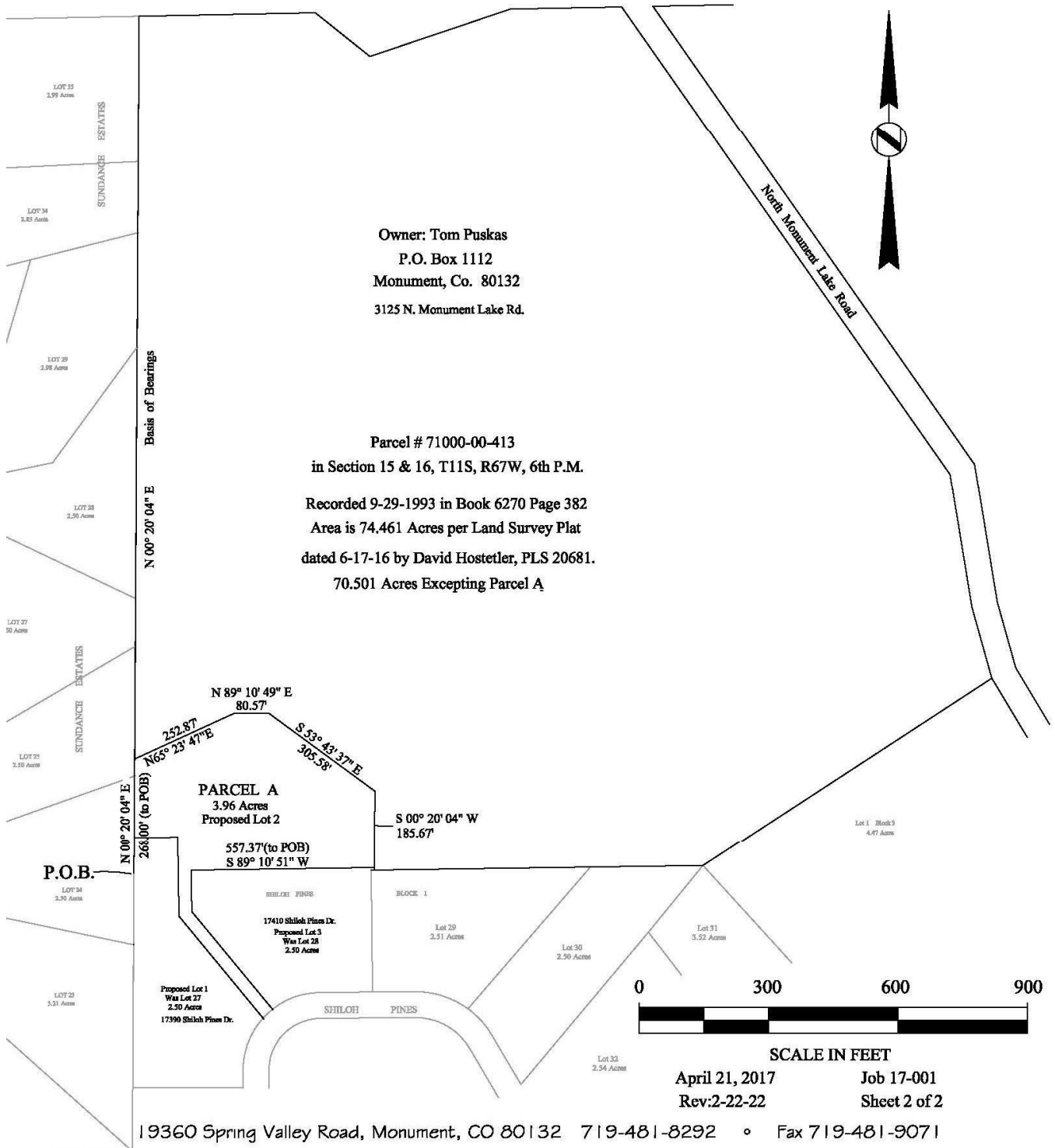
PUBLIC AND PRIVATE COMMERCIAL WATER PROVIDERS

It is anticipated that the single-family residential unit developed on the Property and will be supplied water from an on-site well. Commercial water providers are not involved or responsible for the water system discussed in this report but inclusion into the FVWAD may be investigated by future owner/developer of the Property.

CONCLUSION

The proposed water supply is sufficient to meet the County's requirement for a single home to be built in the future in terms of Quality, Quantity, and Dependability.

APPENDIX A – VICINITY MAP & LEGAL DESCRIPTION



Property Legal Description

Lot 27, Block 1, together with Lot 28, Block 1, Shiloh Pines Subdivision, El Paso County, Colorado together with the following described parcel, to wit:

The West one half of the Northwest Quarter and the West one half of the Southwest Quarter of Section 15 and the East one half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 16, all in Township 11 South, Range 67 West of the 6th Principal Meridian, El Paso County Colorado,

Excepting therefrom the following portions thereof:

- A.) That portion of Section 15 conveyed to the people of the State of Colorado by warranty deed recorded July 12, 1892 in Book 192 at Page 586;
- B.) That portion conveyed to El Paso County for road purposes by quitclaim deed recorded June 22, 1902 in Book 331 at Page 163;
- C.) That portion lying within the North 10 feet of the Northwest Quarter of the Northwest Quarter of Section 15, conveyed to J.L. Freeman by warranty deed recorded November 15, 1923 in Book 706 at Page 505;
- D.) That portion conveyed to Norman C. Foote and Alice B. Foote by warranty deed recorded June 25, 1971 in Book 2417 at Page 843;
- E.) That portion conveyed to Panther Properties Inc., by warranty deed recorded June 19, 1979 in Book 3190 at Page 39;
- F.) That portion conveyed to Leigh C. Wilde by quitclaim deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.
Containing 79.42 Acres, more or less.

APPENDIX B – WATER INFORMATION SUMMARY SHEET

FORM NO. GWS-76 05/2011		WATER SUPPLY INFORMATION SUMMARY STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 821, Denver, CO 80203 Main (303) 866-3581 dwr.colorado.gov	
Section 30-28-133.(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality, and dependability will be available to ensure an adequate supply of water."			
1. NAME OF DEVELOPMENT AS PROPOSED: Peterson Vacation and Replat			
2. LAND USE ACTION: Vacation and Replat – Subdivide new lot from 100000480, replat 6101001 and 7116101002 to form flag to Shiloh Pines Drive			
3. NAME OF EXISTING PARCEL AS RECORDED: SUBDIVISION: Peterson Vacation and Replat, Schedules 7116101001 and 7116101002, 17390 and 17410 Shiloh Pines Drive, 100000480 3125 North Monument Lake Road (2 units) , FILING (UNIT) N/A , BLOCK N/A , LOT N/A			
4. TOTAL ACREAGE: 82.68		5. NUMBER OF LOTS PROPOSED 4 (3 already existing) PLAT MAP ENCLOSED? ☒ YES or ☐ NO	
6. PARCEL HISTORY – Please attach copies of deeds, plats, or other evidence or documentation.			
A. Was parcel recorded with county prior to June 1, 1972? ☒ YES or ☒ NO – 3125 N. Monument was, others were not			
B. Has the parcel ever been part of a division of land action since June 1, 1972? ☒ YES or ☒ NO			
If yes, describe the previous action: Shiloh Pines addresses are part of the Shiloh Pines Subdivision			
7. LOCATION OF PARCEL – Include a map delineating the project area and tie to a section corner.			
SE 1/4 of the NE 1/4, Section 16, Township 11 ☐ N or ☒ S, Range 67 ☐ E or ☒ W Principal Meridian (choose only one): ☒ Sixth ☐ New Mexico ☐ Ute ☐ Costilla			
Optional GPS Location: GPS Unit must use the following settings: Format must be UTM , Units must be meters , Datum must be NAD83 , Unit must be set to true N , ☐ Zone 12 or ☐ Zone 13			
Easting: 509445.8 Northing: 4327282.9			
8. PLAT – Location of all wells on property must be plotted and permit numbers provided. Surveyor's Plat: ☒ YES or ☐ NO If not, scaled hand drawn sketch: ☐ YES or ☐ NO			
9. ESTIMATED WATER REQUIREMENTS		10. WATER SUPPLY SOURCE	
USE	WATER REQUIREMENTS	☒ EXISTING WELL ☐ DEVELOPED SPRING WELL PERMIT NUMBERS Well Permit No. 48273-A – 100000480 	
HOUSEHOLD USE # 5 of units	Gallons per Day _____ Acre-Foot per Year 1.46	☒ NEW WELLS - PROPOSED AQUIFERS – (CHECK ONE) ☐ ALLUVIAL ☐ UPPER ARAPAHOE ☐ UPPER DAWSON ☐ LOWER ARAPAHOE ☐ LOWER DAWSON ☐ LARAMIE FOX HILLS ☐ DENVER ☐ DAKOTA ☐ OTHER: _____	
COMMERCIAL USE # N/A of S. F	_____	☐ MUNICIPAL ☐ ASSOCIATION ☐ COMPANY ☒ DISTRICT – Shiloh Pines units NAME Forest View Acres LETTER OF COMMITMENT FOR SERVICE ☐ YES or ☐ NO	
IRRIGATION # 0.22 of acres	_____ 0.66	WATER COURT DECREE CASE NUMBERS: Well Permit No. 91187-F – New Lot 	
STOCK WATERING # 24 of head	_____ 0.35		
OTHER: _____	_____		
TOTAL	_____ 2.45		
11. WAS AN ENGINEER'S WATER SUPPLY REPORT DEVELOPED? ☒ YES or ☐ NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
☒ SEPTIC TANK/LEACH FIELD ☐ LAGOON ☐ ENGINEERED SYSTEM (Attach a copy of engineering design.)		☐ CENTRAL SYSTEM DISTRICT NAME: _____ ☐ VAULT LOCATION SEWAGE HAULED TO: _____ ☐ OTHER: _____	

APPENDIX C – SPECIAL WARRANTY DEED & WATER RIGHTS INFORMATION

EXHIBIT B

Peterson Application Plan for
Augmentation

SPECIAL WARRANTY DEED

THIS DEED, made this 3rd day of August, 2018 between Thomas Puskas ("Grantor"), of the County of El Paso and State of Colorado and Brian Peterson ("Grantee") whose legal address is 17390 Shiloh Pines Drive, Monument, Colorado.

WITNESSETH, That the Grantor, for and in consideration of ten dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantees, and their successors and assigns forever, all previously unsevered mineral rights associated with the 3.94 acres deed on 27 Jul 2017 and the following water and water rights, located in the County of El Paso, State of Colorado:

Aquifer	Saturated Thickness (Feet)	Depth (Feet)	Total water included (Acre Feet)	Total Water Adjudicated on Original 75 acre tract (Acre Feet)
Lower Dawson	320	645	251	4704
Denver	220	1115	150	2805
Arapahoe	460	1700	313	5865
Laramie Fox Hills	200	2160	120	2250

in accordance with Consolidated Case No. 13CW3025 (District Court, Water Division 2) filed February 21, 2014, pursuant to the terms and conditions of the augmentation plan as decreed in the referenced case. Grantor hereby reserves all remaining groundwater underlying said Lot.

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above 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, and their successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that it shall WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantees, and their successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Grantor provides no warranty as to the quantity or quality of the water conveyed herein.

The water and water rights conveyed herein are intended to provide a 300 year water supply for the referenced Lot. Therefore, the water and water rights shall run with the land, must be transferred to all successors and assigns of Grantee, may not be separated from transfer of title to the land, and may not be separately conveyed, bartered, liened or encumbered.

EXECUTED AND DELIVERED on the date set forth above.



Thomas Puskas
3125 Monument Lake Road
Monument, Colorado 80132



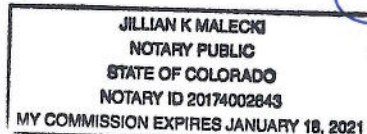
Brian S. Peterson
17390 Shiloh Pines Drive
Monument, CO 80132

STATE OF: COLORADO
COUNTY OF: EL PASO

The forgoing instrument was acknowledged before me on 29 July 2017
Witness my hand and official seal.

My commission expires: 01/18/2021

03 August 2018


Notary Public

DISTRICT COURT, WATER DIVISION 2

Court Address: 320 West 10th Street
Pueblo, CO 81003

Phone: (719) 583-7048

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

THOMAS J. PUSKAS

IN EL PASO COUNTY

Attorneys for Applicant:

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DATE FILED: February 21, 2014 11:11 AM
CASE NUMBER: 2013CW3025

Δ COURT USE ONLY Δ

Case No.: 13CW3025

**FINDINGS OF FACT AND AMENDED RULING OF REFEREE
GRANTING UNDERGROUND WATER RIGHTS AND ADJUDICATION
OF DENVER BASIN GROUNDWATER**

THIS MATTER comes before the Court on the Application for Underground Water Rights and for Adjudication of Denver Basin Ground Water filed by Thomas J. Puskas, and having reviewed said Application and being fully advised on this matter, the following amended findings and orders are made:

FINDINGS OF FACT**General Findings**

1. The Applicant in this case is Thomas J. Puskas, whose address is P.O. Box 1112, Monument, CO 80132 ("Applicant"). This case involves the adjudication of Denver Basin groundwater underlying Applicant's property in El Paso County, and adjudication of an exempt well pursuant to C.R.S. §37-92-602(4).

2. The Application in this case was filed in Water Division 2 on July 30, 2013, and was referred to the Water Referee by an Order of the Court dated August 2, 2013.

3. The Water Court caused publication of the Application as provided by statute and publication costs have been paid. Proof of Publication of the Application was filed with the Court on September 19, 2013. Timely and adequate notice of the pendency of these proceedings has, therefore, been given in the manner required by law.

4. The time for filing statements of opposition to the Application expired on September 30, 2013. No such statements of opposition were filed to the Application.

5. The Water Court has jurisdiction over the subject matter of these proceedings and over all those who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated ground water basin.

6. The Division Engineer for Water Division 2 filed his Consultation Report dated October 9, 2013, with the Court pursuant to C.R.S. §37-92-302(4). The Court has considered that Consultation Report in rendering this ruling. The Court has also considered the Determination of Facts of the State Engineer for each of the Denver Basin aquifers dated October 8, 2013, and provided to the Court.

Denver Basin Ground Water Rights

7. The land overlying the groundwater which is the subject of this case is owned by the Applicant and consists of 75 acres, more or less, located in the West 1/2 of the Northwest 1/4 of Section 15, and the East 1/2 of the Northeast 1/4 of Section 16, all in Township 11 South, Range 67 West of the 6th P.M. (the "Property"). A legal description of the Property is attached as Exhibit A and a map showing the Property is attached as Figure 1.

8. There are no encumbrances of record on the Property. Therefore, the notice provisions of C.R.S. §37-92-302(2)(b) did not apply to this Application.

9. Of the Denver Basin aquifers, the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers all exist beneath the Property. The Dawson and Denver aquifers underlying the Property contain not-nontributary water, while the water of the Arapahoe and Laramie-Fox Hills aquifers underlying the Property are nontributary. The quantity of groundwater in the Denver Basin aquifers exclusive of artificial recharge underlying the Property is as follows:

<u>Aquifer</u>	<u>Saturated Thickness (Feet)</u>	<u>Depth (Feet)</u>	<u>Total Water Adjudicated (Acre Feet)</u>	<u>Annual Average Withdrawal (Acre Feet)</u>
Lower Dawson	320	645	4704 ¹	47.0
Denver	220	1115	2805	28.1
Arapahoe	460	1700	5865	58.7
Laramie Fox Hills	200	2160	2250	22.5

10. Subject to the requirements and limitations of this decree, Applicant shall be entitled to withdraw all legally available ground water in the Denver Basin aquifers underlying the Property. Said amounts can be withdrawn over the 100 year life of the aquifers as set forth in C.R.S. § 37-90-137(4), or withdrawn over a longer time based upon local governmental regulations or Applicant's water needs. The average annual amounts of groundwater available for withdrawal from the Denver Basin aquifers underlying the Property have been determined as set forth above, based upon the October 8, 2013, Office of the State Engineer's Determination of Facts.

11. Applicant shall be entitled to withdraw an amount of groundwater in excess of the annual amount decreed from the Denver Basin aquifers underlying Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifer does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, and the annual volume of water which Applicant is entitled to withdraw from the aquifer underlying Applicant's Property.

12. Applicant shall be entitled to produce the full legal entitlement from the respective Denver Basin aquifers underlying Applicant's Property through any combination of wells constructed into each aquifer. These wells may be treated as a well field, and may be located at any point within the boundaries of the Applicant's Property without the necessity of filing an amendment to the application, republishing, or petitioning the Court for the opening of this decree. The pumping rates for each well may vary according to aquifer conditions and well production capabilities. The Applicant shall be entitled to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. Applicant waives the 600-foot well spacing requirement of C.R.S. §37-90-137(2)(b) with respect to the well spacing of Applicant's wells in relation to one another on Applicant's Property. All wells shall be cased to prevent withdrawal of water from more than one aquifer.

¹ The amount of water in the Dawson aquifer adjudicated herein has been reduced by 100 acre feet (1.0 annual acre-feet) as such amount is allocated to State Engineer Exempt Well Permit No. 48273-A adjudicated herein.

13. Well permit applications for the wells to be drilled pursuant to this decree shall be applied for prior to drilling wells into the Denver Basin aquifers. No exact location is required for the wells in this decree, as that information will be provided when the well permit applications are submitted.

14. The Applicant is awarded a vested right to the use the groundwater as quantified in paragraph 8, or as modified by the Court under its retained jurisdiction, for beneficial uses on the Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, piscatorial, fire protection, replacement, and central water supply for such uses. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of stream depletions resulting from use of the water, and for augmentation purposes. The nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property. The nontributary water is subject, however, to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent (98%) of the amount withdrawn. Provided however, except for the exempt Puskas Well decreed herein, Applicant shall not be entitled to construct a well or use water from the not nontributary Dawson and Denver aquifers until a decreed augmentation plan has been entered by the Court.

15. Water is available from the nontributary aquifers beneath the Applicant's Property and the withdrawal of that water from wells in the amounts of water determined in accordance with the provisions of this decree will not result in material injury to any other vested water rights or to any other owners or users of water.

Underground Water Rights

16. For the absolute ground water right claimed, the Applicant has completed all of the elements for the appropriation of a water right to wit:

A. Formation of the intent to appropriate water.

B. Performance of overt acts coincidentally with this intent to manifest the intention to appropriate water to beneficial use and to demonstrate taking of a substantial step toward applying water to beneficial use by applying for and drilling exempt domestic Well Permit No. 48273-A. These acts were of such a nature to provide interested third parties with notice of the nature and extent of the proposed diversion and consequent demand upon the river system.

C. Waters tributary to the Arkansas River have been diverted or otherwise captured, possessed, or controlled, and have been beneficially used in the amounts claimed and for the uses stated herein.

17. The following underground water right is hereby decreed pursuant to C.R.S. §37-92-602(3)(b)(I):

A. Name of Well: Puskas Well

B. Legal Description of Point of Diversion: The Puskas Well is located in the Southeast Quarter of the Northeast Quarter of Section 16, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, approximately 1450 feet south from the north section line of said Section 16, and 350 feet west from the east section line of said Section 16.

C. Means of Diversion: Well; Well Permit No. 48273-A.

D. Source: Groundwater from the Dawson Aquifer of the Denver Basin aquifer tributary to the Arkansas River and its tributaries.

E. Appropriation:

(i) Date of Initiation of Appropriation: May 16, 1977.

(ii) How Appropriation Was Initiated: Appropriation was initiated by the issuance by the Office of the State Engineer of Well Permit No. 48273-A, on May 16, 1977, together with an intent to appropriate the water from the well and apply the water to beneficial use.

(iii) Date Water Applied to Beneficial Use: June 3, 1977.

F. Well Depth. 215 feet.

G. Amount Claimed: 14 g.p.m. absolute.

H. Use: Ordinary household purposes inside two single family dwellings, the watering of domestic animals, and the irrigation of 1 acre of home, gardens and lawns.

I. Place of use: The water from this well can be used for the above uses upon Applicant's Property.

J. Exempt Decreed Status: This well is an exempt well under C.R.S. §37-92-602(3)(b)(1) for the uses set forth above, and is being decreed pursuant to C.R.S. §37-92-602(4). The priority date of this well shall, therefore, be the appropriation date set

forth above regardless of the date of application or the date of this decree. So long as the use of this well is limited to those uses allowed under Permit No. 48273-A, it is exempt from administration under the priority system pursuant to C.R.S. § 37-92-602.

18. By reason of this decree under C.R.S. 37-92-602(4), this exempt decreed well shall not lose its status as exempt from administration within the prior appropriation system under C.R.S. 37-92-602(1), or any other benefits to an exempt well structure. This decreed exempt well structure is a vested water right entitled to protection as such, and shall be entitled to assert injury in any pending or future water rights application. Provided however, that this decreed exempt well shall not be entitled to assert, by the Applicant or through the Colorado Division of Water Resources, its respective priority date for purposes of placing a call or curtailment upon other vested or conditional water rights junior in priority to it under the prior appropriation system.

19. The exempt decreed well is absolutely decreed only for its actual uses in place. These decreed uses may be for less than the full exempt use entitlement under C.R.S. 37-92-602(1)(b) for such structures. Any other statutory exempt uses authorized by the provision of C.R.S. 37-92-602 which have not been expressly decreed herein are not waived but are preserved in all respects by the Applicant.

CONCLUSIONS OF LAW

20. Applicant is entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicant's Property, and the right to use that water to the exclusion of all others subject to the terms of this decree.

21. The Applicant has complied with C.R.S. §37-90-137(4), and the groundwater requested herein is legally available for withdrawal by the requested nontributary wells, and legally available for withdrawal by the requested not nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c), except for the Puskas Well as decreed herein. Applicant is entitled to a decree from this Court confirming his rights to withdraw groundwater pursuant to C.R.S. §37-90-137(4).

22. The Denver Basin water rights granted by this decree are not conditional water rights, but are absolute water rights determined pursuant to C.R.S. §37-90-137. No applications for diligence are required. The claims for nontributary and not nontributary groundwater meet the requirements of Colorado law.

23. The determination of the nontributary groundwater rights in the Denver Basin aquifers as set forth herein is contemplated and authorized by law. C.R.S. §37-90-137 and C.R.S. §37-92-302 to §37-92-305.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

24. All the foregoing Findings of Fact and Conclusions of Law are incorporated by reference herein, and are to be considered a part of this Ruling as though set out in full.

25. The Application for Underground Water Rights and Adjudication of Denver Basin Ground Water by the Applicant is granted, subject to the terms of this decree.

26. The Applicant shall comply with C.R.S. §37-90-137(9)(b) requiring the relinquishment of the right to consume of up to two percent of the amount of the nontributary groundwater withdrawn. Ninety-eight percent of the nontributary ground water withdrawn may thereby be consumed. No plan of augmentation shall be required to provide for such relinquishment.

27. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristics, and that the Applicant need not refile, republish, or otherwise amend this application to request such adjustments.

28. The Court determines and orders that the State Engineer shall issue well permits in accordance with C.R.S. § 37-90-137(4) and/or (10) and the decree entered herein. Should Applicant fail to construct any well prior to the expiration of the well permit, Applicant may reapply to the State Engineer for a new well permit and the State Engineer shall issue a new well permit with terms and conditions no more burdensome than those contained herein.

29. The wells shall be installed and metered as reasonably required by the Division Engineer and the State Engineer. Each well shall be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer or his representative on an annual basis or as otherwise requested by the Division Engineer.

30. This decree shall be recorded. Copies of this decree, when entered by the Court, shall be mailed to the parties as required by statute.

31. The groundwater rights decreed herein are vested property rights decreed to the Applicant. The groundwater rights decreed herein shall be owned by the Applicant or the Applicant's successors until such time as the Applicant's or the Applicant's successors expressly convey all or a portion of the water to another entity through a deed that identifies this case 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 21st day of January, 2014.

BY THE REFEREE:



Mardell R. DiDomenico

Mardell R. DiDomenico
Water Referee, Water Division 2
State of Colorado

THE COURT FINDS THAT NO PROTEST WAS MADE IN THIS MATTER, THEREFORE THE FORGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: February 21, 2014.

BY THE COURT:

Larry C. Schwartz
LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

Exhibit A
Legal Description

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 16, all in Township 11 South, Range 67 West of the 6th P.M. EXCEPTING THEREFROM, the following portions thereof:

a) that portion of Section 15 conveyed to the People of the State of Colorado by Warranty Deed recorded July 12, 1892 in Book 129 at Page 586;

b) that portion conveyed to El Paso County for road purposes by Quitclaim Deed recorded June 22, 1902 in Book 331 at Page 163;

c) that portion lying within the North 10 feet of the Northwest Quarter of the Northwest Quarter of Section 15, conveyed to J. L. Freeman by Warranty Deed recorded November 15, 1923 in Book 706 at Page 505;

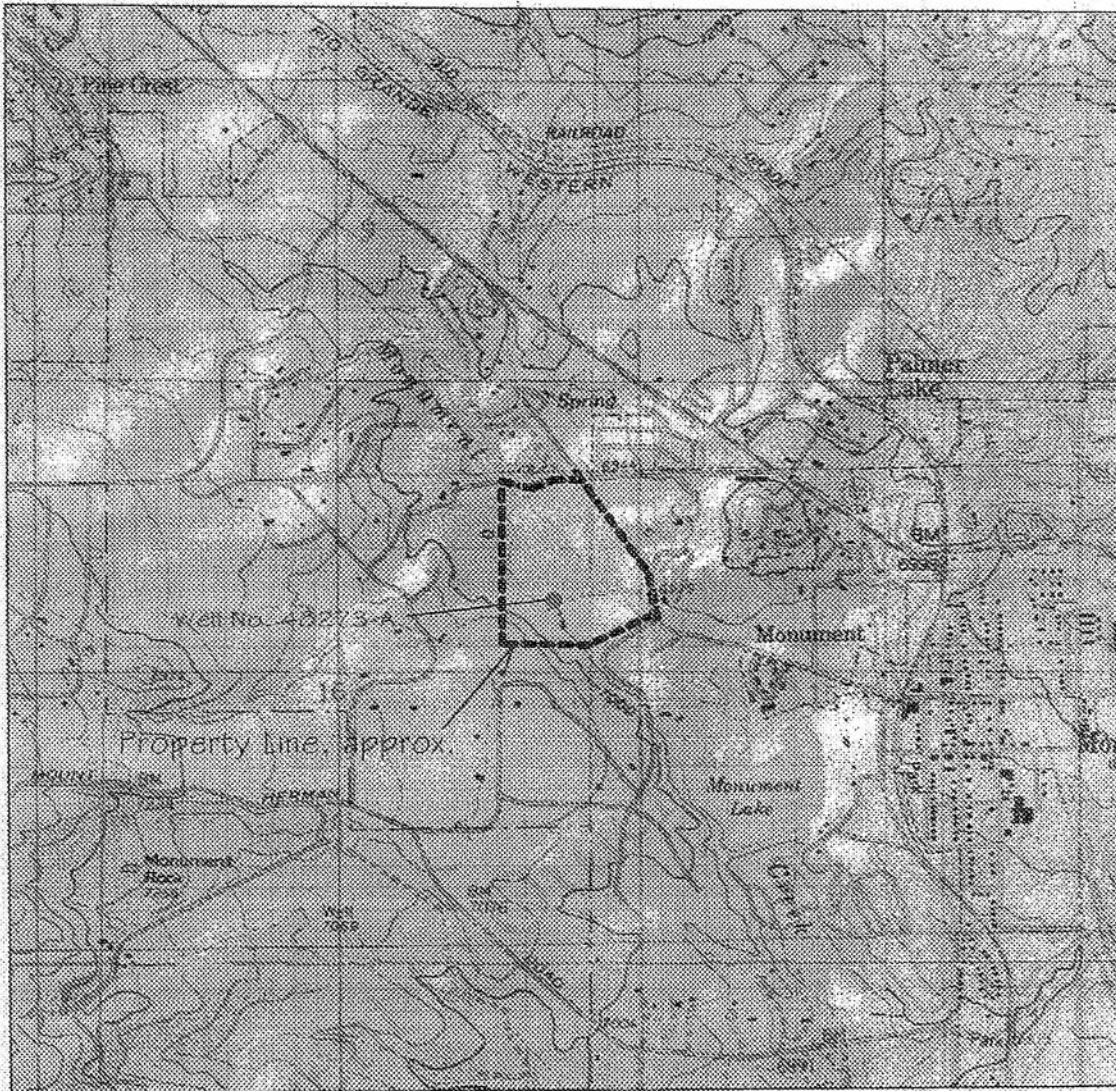
d) that portion conveyed to Norman c. Foote and Alice B. Foote by Warranty Deed recorded June 25, 1971 in Book 2417 at Page 843;

e) that portion conveyed to Panther Properties, Inc. by Warranty Deed recorded June 19, 1979 in Book 3190 at Page 39; and

f) that portion conveyed to Leigh C. Wilde from Thomas J. Puskas by Quit Claim Deed recorded on December 1, 2004 at Reception No. 204196943,

All recorded with the El Paso County Clerk and Recorder.

R 67 W



T 15 S

Printed from TOPO! ©2000 Wildflower Productions (www.topo.com)



Scale 1" = 2000'

Location Map

Thomas Puskas Property

Wm Curtis Wells & Co.
consulting ground water geologists

Figure 1

DISTRICT COURT, WATER DIVISION 2, COLORADO

Court Address: 501 North Elizabeth Street, Suite 116
Pueblo, CO 81003

**CONCERNING THE APPLICATION FOR WATER
RIGHTS OF:**

THOMAS J. PUSKAS

IN EL PASO COUNTY.

DATE FILED: July 22, 2015 10:44 PM
CASE NUMBER: 2013CW3025

▲ COURT USE ONLY ▲

Case No.: 13CW3025

**ORDER APPROVING PETITION TO CORRECT CLERICAL MISTAKE AND
ORDER ENTERING AN AMENDED DECREE**

THIS MATTER having come before the Water Judge upon the Petition to Correct a Clerical Mistake filed by the Applicant, Thomas J. Puskas, and the Water Judge being fully advised on this matter and having reviewed the filed Petition,

THE WATER JUDGE FINDS AND ORDERS that the correction of the clerical errors is appropriate under C.R.C.P. 60 and C.R.S. § 37-92-304(10) and the July 21, 2015 Petition to Correct Clerical Mistakes is hereby granted.

THE WATER JUDGE FURTHER FINDS AND ORDERS that Paragraph 14 of the February 21, 2014 Decree shall cross-reference paragraph 9 of the Decree.

THE WATER JUDGE FURTHER ORDERS the entry of an amended and restated decree in this matter correcting the above clerical error to conform the decree to the intent of the parties and the Water Court.

DONE this 22nd day of July, 2015.

BY THE COURT:


LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

DISTRICT COURT, WATER DIVISION :

Court Address: 320 West 10th Street
Pueblo, CO 81003

Phone: (719) 583-7048

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

THOMAS J. PUSKAS

IN EL PASO COUNTY

Attorneys for Applicant:

David M. Shohet, #36675
Felt, Monson & Culichia, LLC
319 N. Weber Street
Colorado Springs, Colorado 80903
Phone Number: (719) 471-1212
Fax Number: (719) 471-1234
E-mail: dms@fmcwater.com

DATE FILED: February 21, 2014 11:41 AM
CASE NUMBER: 2013CW3025

Δ COURT USE ONLY Δ

Case No.: 13CW3025

**FINDINGS OF FACT AND AMENDED RULING OF REFEREE
GRANTING UNDERGROUND WATER RIGHTS AND ADJUDICATION
OF DENVER BASIN GROUNDWATER**

THIS MATTER comes before the Court on the Application for Underground Water Rights and for Adjudication of Denver Basin Ground Water filed by Thomas J. Puskas, and having reviewed said Application and being fully advised on this matter, the following amended findings and orders are made:

FINDINGS OF FACT**General Findings**

1. The Applicant in this case is Thomas J. Puskas, whose address is P.O. Box 1112, Monument, CO 80132 ("Applicant"). This case involves the adjudication of Denver Basin groundwater underlying Applicant's property in El Paso County, and adjudication of an exempt well pursuant to C.R.S. §37-92-602(4).

2. The Application in this case was filed in Water Division 2 on July 30, 2013, and was referred to the Water Referee by an Order of the Court dated August 2, 2013.

3. The Water Court caused publication of the Application as provided by statute and publication costs have been paid. Proof of Publication of the Application was filed with the Court on September 19, 2013. Timely and adequate notice of the pendency of these proceedings has, therefore, been given in the manner required by law.

4. The time for filing statements of opposition to the Application expired on September 30, 2013. No such statements of opposition were filed to the Application.

5. The Water Court has jurisdiction over the subject matter of these proceedings and over all those who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated ground water basin.

6. The Division Engineer for Water Division 2 filed his Consultation Report dated October 9, 2013, with the Court pursuant to C.R.S. §37-92-302(4). The Court has considered that Consultation Report in rendering this ruling. The Court has also considered the Determination of Facts of the State Engineer for each of the Denver Basin aquifers dated October 8, 2013, and provided to the Court.

Denver Basin Ground Water Rights

7. The land underlying the groundwater which is the subject of this case is owned by the Applicant and consists of 75 acres, more or less, located in the West 1/2 of the Northwest 1/4 of Section 15, and the East 1/2 of the Northeast 1/4 of Section 16, all in Township 11 South, Range 67 West of the 6th P.M. (the "Property"). A legal description of the Property is attached as Exhibit A and a map showing the Property is attached as Figure 1.

8. There are no encumbrances of record on the Property. Therefore, the notice provisions of C.R.S. §37-92-302(2)(b) did not apply to this Application.

9. Of the Denver Basin aquifers, the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers all exist beneath the Property. The Dawson and Denver aquifers underlying the Property contain not-nontributary water, while the water of the Arapahoe and Laramie-Fox Hills aquifers underlying the Property are nontributary. The quantity of groundwater in the Denver Basin aquifers exclusive of artificial recharge underlying the Property is as follows:

<u>Aquifer</u>	<u>Saturated Thickness (Feet)</u>	<u>Depth (Feet)</u>	<u>Total Water Adjudicated (Acre Feet)</u>	<u>Annual Average Withdrawal (Acre Feet)</u>
Lower Dawson	320	645	4704 ¹	47.0
Denver	220	1115	2805	28.1
Arapahoe	460	1700	5865	58.7
Laramie Fox Hills	200	2160	2250	22.5

10. Subject to the requirements and limitations of this decree, Applicant shall be entitled to withdraw all legally available ground water in the Denver Basin aquifers underlying the Property. Said amounts can be withdrawn over the 100 year life of the aquifers as set forth in C.R.S. § 37-90-137(4), or withdrawn over a longer time based upon local governmental regulations or Applicant's water needs. The average annual amounts of groundwater available for withdrawal from the Denver Basin aquifers underlying the Property have been determined as set forth above, based upon the October 8, 2013, Office of the State Engineer's Determination of Facts.

11. Applicant shall be entitled to withdraw an amount of groundwater in excess of the annual amount decreed from the Denver Basin aquifers underlying Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifer does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, and the annual volume of water which Applicant is entitled to withdraw from the aquifer underlying Applicant's Property.

12. Applicant shall be entitled to produce the full legal entitlement from the respective Denver Basin aquifers underlying Applicant's Property through any combination of wells constructed into each aquifer. These wells may be treated as a well field, and may be located at any point within the boundaries of the Applicant's Property without the necessity of filing an amendment to the application, republishing, or petitioning the Court for the opening of this decree. The pumping rates for each well may vary according to aquifer conditions and well production capabilities. The Applicant shall be entitled to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. Applicant waives the 600-foot well spacing requirement of C.R.S. §37-90-137(2)(b) with respect to the well spacing of Applicant's wells in relation to one another on Applicant's Property. All wells shall be cased to prevent withdrawal of water from more than one aquifer.

The amount of water in the Dawson aquifer adjudicated herein has been reduced by 100 acre feet (1.0 annual acre-feet) as such amount is allocated to State Engineer Exempt Well Permit No. 48273-A adjudicated herein.

13. Well permit applications for the wells to be drilled pursuant to this decree shall be applied for prior to drilling wells into the Denver Basin aquifers. No exadbcation is required for the wells in this decree, as that information will be provided when the well permit applications are submitted.

14. The Applicant is awarded a vested right to the use the groundwater as quantified in paragraph 8, or as modified by the Court under its retained jurisdiction, for beneficial uses on the Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, piscatorial, fire protection, replacement, and central water supply for such uses. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of stream depletions resulting from use of the water, and for augmentation purposes. The nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property. The nontributary water is subject, however, to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent (98%) of the amount withdrawn. Provided however, except for the exempt Puskas Well decreed herein, Applicant shall not be entitled to construct a well or use water from the not nontributary Dawson and Denver aquifers until a decreed augmentation plan has been entered by the Court.

15. Water is available from the nontributary aquifers beneath the Applicant's Property and the withdrawal of that water from wells in the amounts of water determined in accordance with the provisions of this decree will not result in material injury to any other vested water rights or to any other owners or users of water.

Underground Water Rights

16. For the absolute ground water right claimed, the Applicant has completed all of the elements for the appropriation of a water right to wit:

A. Formation of the intent to appropriate water.

B. Performance of overt acts coincidentally with this intent to manifest the intention to appropriate water to beneficial use and to demonstrate taking of a substantial step toward applying water to beneficial use by applying for and drilling exempt domestic Well Permit No. 48273-A. These acts were of such a nature to provide interested third parties with notice of the nature and extent of the proposed diversion and consequent demand upon the river system.

C. Waters tributary to the Arkansas River have been diverted or otherwise captured, possessed, or controlled, and have been beneficially used in the amounts claimed and for the uses stated herein.

17. The following underground water right is hereby decreed pursuant to C.R.S. §37-92-602(3)(b)(I):

A. Name of Well: Puskas Well

B. Legal Description of Point of Diversion: The Puskas Well is located in the Southeast Quarter of the Northeast Quarter of Section 16, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, approximately 1450 feet south from the north section line of said Section 16, and 350 feet west from the east section line of said Section 16.

C. Means of Diversion: Well; Well Permit No. 48273-A.

D. Source: Groundwater from the Dawson Aquifer of the Denver Basin aquifer tributary to the Arkansas River and its tributaries.

E. Appropriation:

(i) Date of Initiation of Appropriation: May 16, 1977.

(ii) How Appropriation Was Initiated: Appropriation was initiated by the issuance by the Office of the State Engineer of Well Permit No. 48273-A, on May 16, 1977, together with an intent to appropriate the water from the well and apply the water to beneficial use.

(iii) Date Water Applied to Beneficial Use: June 3, 1977.

F. Well Depth: 215 feet.

G. Amount Claimed: 14 g.p.m. absolute.

H. Use: Ordinary household purposes inside two single family dwellings, the watering of domestic animals, and the irrigation of 1 acre of home, gardens and lawns.

I. Place of use: The water from this well can be used for the above uses upon Applicant's Property.

J. Exempt Decreed Status: This well is an exempt well under C.R.S. §37-92-602(3)(b)(1) for the uses set forth above, and is being decreed pursuant to C.R.S. §37-92-602(4). The priority date of this well shall, therefore, be the appropriation date set

forth above regardless of the date of application or the date of this decree. So long as the use of this well is limited to those uses allowed under Permit No. 48273-A, it is exempt from administration under the priority system pursuant to C.R.S. § 37-92-602.

18. By reason of this decree under C.R.S. 37-92-602(4), this exempt decreed well shall not lose its status as exempt from administration within the prior appropriation system under C.R.S. 37-92-602(1), or any other benefits to an exempt well structure. This decreed exempt well structure is a vested water right entitled to protection as such, and shall be entitled to assert injury in any pending or future water rights application. Provided however, that this decreed exempt well shall not be entitled to assert, by the Applicant or through the Colorado Division of Water Resources, its respective priority date for purposes of placing a call or curtailment upon other vested or conditional water rights junior in priority to it under the prior appropriation system.

19. The exempt decreed well is absolutely decreed only for its actual uses in place. These decreed uses may be for less than the full exempt use entitlement under C.R.S. 37-92-602(1)(b) for such structures. Any other statutory exempt uses authorized by the provision of C.R.S. 37-92-602 which have not been expressly decreed herein are not waived but are preserved in all respects by the Applicant.

CONCLUSIONS OF LAW

20. Applicant is entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicant's Property, and the right to use that water to the exclusion of all others subject to the terms of this decree.

21. The Applicant has complied with C.R.S. §37-90-137(4), and the groundwater requested herein is legally available for withdrawal by the requested nontributary wells, and legally available for withdrawal by the requested nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c), except for the Puskas Well as decreed herein. Applicant is entitled to a decree from this Court confirming his rights to withdraw groundwater pursuant to C.R.S. §37-90-137(4).

22. The Denver Basin water rights granted by this decree are not conditional water rights, but are absolute water rights determined pursuant to C.R.S. §37-90-137. No applications for diligence are required. The claims for nontributary and nontributary groundwater meet the requirements of Colorado law.

23. The determination of the nontributary groundwater rights in the Denver Basin aquifers as set forth herein is contemplated and authorized by law. C.R.S. §37-90-137 and C.R.S. §37-92-302 to §37-92-305.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

24. All the foregoing Findings of Fact and Conclusions of Law are incorporated by reference herein, and are to be considered apart of this Ruling as though set out in full.

25. The Application for Underground Water Rights and Adjudication of Denver Basin Ground Water by the Applicants granted, subject to the terms of this decree.

26. The Applicant shall comply with C.R.S. §37-90-137(9)(b) requiring the relinquishment of the right to consume of up to two percent of the amount of the nontributary groundwater withdrawn. Ninety-eight percent of the nontributary ground water withdrawn may thereby be consumed. No plan of augmentation shall be required to provide for such relinquishment.

27. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristics, and that the Applicant need not refile, republish, or otherwise amend this application to request such adjustments.

28. The Court determines and orders that the State Engineer shall issue well permits in accordance with C.R.S. § 37-90-137(4) and/or (10) and the decree entered herein. Should Applicant fail to construct any well prior to the expiration of the well permit, Applicant may reapply to the State Engineer for a new well permit and the State Engineer shall issue a new well permit with terms and conditions no more burdensome than those contained herein.

29. The wells shall be installed and metered as reasonably required by the Division Engineer and the State Engineer. Each well shall be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer or his representative on an annual basis or as otherwise requested by the Division Engineer.

30. This decree shall be recorded. Copies of this decree, when entered by the Court, shall be mailed to the parties as required by statute.

31. The groundwater rights decreed herein are vested property rights decreed to the Applicant. The groundwater rights decreed herein shall be owned by the Applicant or the Applicant's successors until such time as the Applicant's or the Applicant's successors expressly convey all or a portion of the water to another entity through a deed that identifies this case 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 21st day of January, 2014.

BY THE REFEREE:



A handwritten signature in cursive script, appearing to read "Mardell R. DiDomenico".

Mardell R. DiDomenico
Water Referee, Water Division 2
State of Colorado

THE COURT FINDS THAT NO PROTEST WAS MADE IN THIS MATTER, THEREFORE THE FORGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: February 21, 2014.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Larry C. Schwartz".

LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

Exhibit A
Legal Description

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 16, all Township 11 South, Range 67 West the 6th P.M. EXCEPTING THEREFROM, the following portions thereof:

a) that portion of Section 15 conveyed to the People of the State of Colorado by Warranty Deed recorded July 12, 1892 in Book 129 at Page 586;

b) that portion conveyed to El Paso County for road right-of-way by Quitclaim Deed recorded June 22, 1902 in Book 331 at Page 163;

c) that portion lying within the North 40 feet of the Northwest Quarter of the Northwest Quarter of Section 15, conveyed to the same by Warranty Deed recorded November 15, 1926 in Book 706 at Page 505;

d) that portion conveyed to Norman C. Foote and Alice B. Foote by Warranty Deed recorded June 25, 1971 in Book 2417 at Page 843;

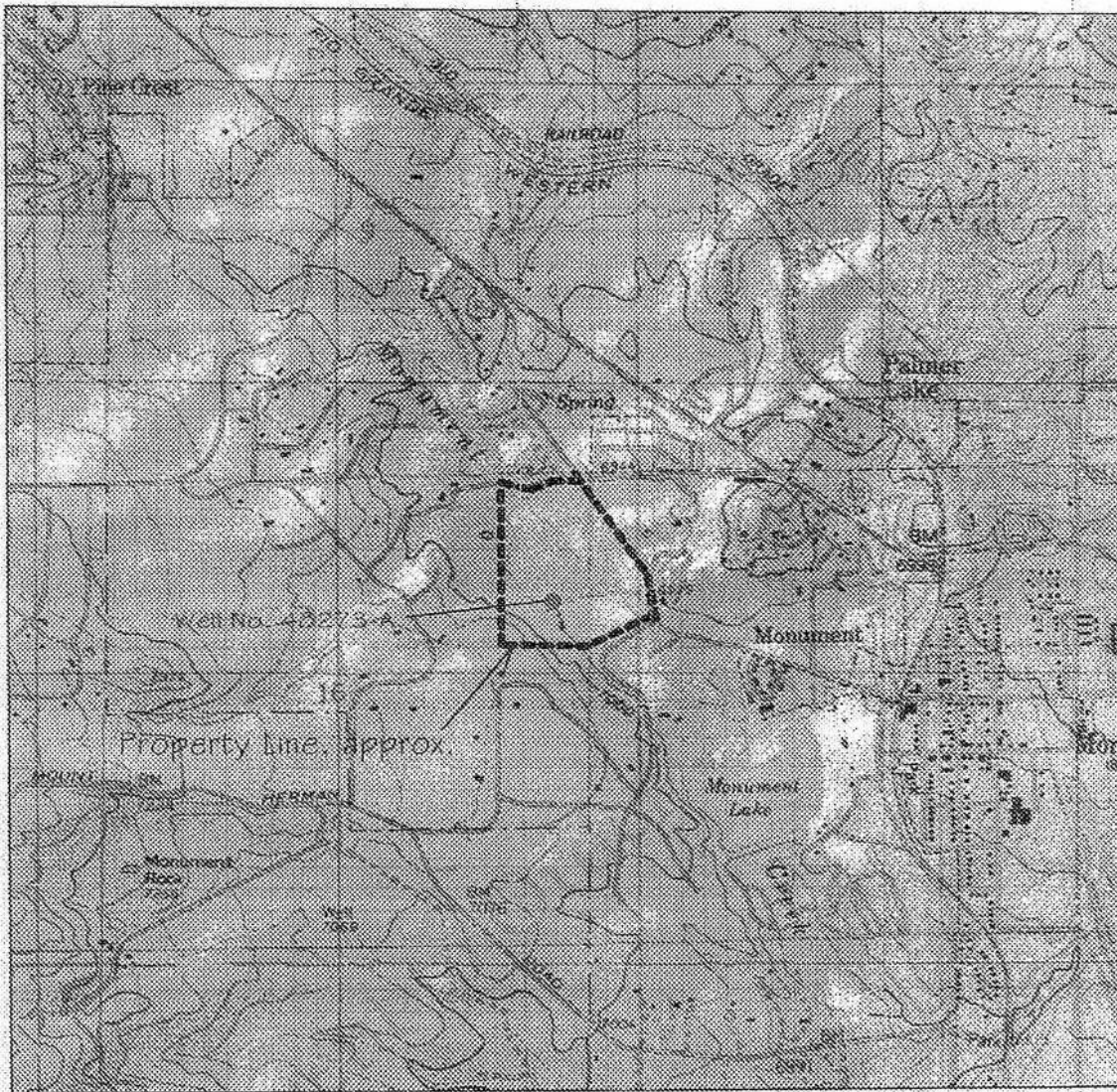
e) that portion conveyed to Pgon. t Properties Inc. by Warranty Deed recorded June 19, 1979 in Book 317 at Page 39; and

f) that portion conveyed to Leigh C. Wilde from Thomas J. Puskas by Quit Claim Deed recorded on September 1, 2004 at Reception No. 204196943,

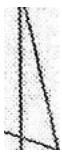
All recorded with the El Paso County Clerk and Recorder.

Att

RG7w



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N

Scale: 1" = 2000'

Location Map:

Approximate location of Property

William Curtis • ivtus i cd
co.11;sufu1ncJ 1rpuncJ W?:::etj geoto01s.ts

Figure 1

DISTRICT COURT, WATER DIVISION 2, COLORADO

Court Address: 501 North Elizabeth Street, Suite 116
Pueblo, CO 81003

**CONCERNING THE APPLICATION FOR WATER
RIGHTS OF:**

THOMAS J. PUSKAS

IN EL PASO COUNTY.

DATE FILED: July 22, 2015 10:44PM
CASE NUMBER: 2013CW3025

__ COURT USE ONLY __

Case No.: 13CW3025

**ORDER APPROVING PETITION TO CORRECT CLERICAL MISTAKE AND
~~ORDER ENTERING AN AMENDED DECREE~~**

THIS MATTER having come before the Water Judge upon the Petition to Correct a Clerical Mistake filed by the Applicant, Thomas J. Puskas, and the Water Judge being fully advised on this matter and having reviewed the filed Petition,

THE WATER JUDGE FINDS AND ORDERS that the correction of the clerical errors is appropriate under C.R.C.P. 60 and C.R.S. § 37-92-304(10) and the July 21, 2015 Petition to Correct Clerical Mistakes is hereby granted,

THE WATER JUDGE FURTHER FINDS AND ORDERS that Paragraph 14 of the February 21, 2014 Decree shall cross-reference paragraph 9 of the Decree.

THE WATER JUDGE FURTHER ORDERS the entry of an amended and restated decree in this matter correcting the above clerical error to conform the decree to the intent of the parties and the Water Court.

DONE this 22nd day of July, 2015.

BY THE COURT:


LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

APPENDIX D – FVAWD COMMITMENT LETTER

FOREST VIEW ACRES WATER DISTRICT

c/o Community Resource Services of Colorado, LLC
7995 E. Prentice Ave. Suite 103E
Greenwood Village, CO 80111
Ph. (303) 381-4960 * F. (303) 381-4961

Re: Sufficient Capacity Statement for Peterson's Replat

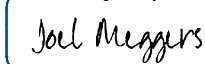
Dear Brian Peterson,

As you requested, the Forest View Acres Water District (the "District") is providing this letter to confirm that the District is willing to provide water service to one residential water tap on the property located at 17400 Shiloh Pines Drive (the "Property"), which is an address you are planning to create through a replat to be approved by El Paso County, in addition to the two existing lots that are already included in the water district and already being served by the District (17390 and 17410 Shiloh Pines Drive). The District currently has adequate water supply to serve this one additional tap, which would increase the District's average annual water demand by 0.235 acre-feet per year. The District is willing to continue serving the two existing lots and also to provide water service to this one additional residential tap on the Property, for a total of 0.705 acre-feet for the three lots, under the following conditions:

1. The Property must be included into the District in accordance with the District's Rules and Regulations.
2. During the inclusion process, you must dedicate all ground water rights associated with the Property to the District. Note that the District's Rules and Regulations require it to evaluate whether the dedication of such water is sufficient to meet the proposed demand on the Property.
3. Water service to the Property will be subject to the District's Rules and Regulations.

Sincerely,

DocuSigned by:



ADFE5C588CA452...

Joel Meggers

Community Resource Services (CRS) of Colorado
Manager, Forest View Acres Water District

FOREST VIEW ACRES WD 2023 Drinking Water Quality Report Covering Data For Calendar Year 2022

Public Water System ID: CO0121250

Esta es información importante. Si no la pueden leer, necesitan que alguien se la traduzca.

We are pleased to present to you this year's water quality report. Our constant goal is to provide you with a safe and dependable supply of drinking water. Please contact JOEL MEGGERS at 303-381-4960 with any questions or for public participation opportunities that may affect water quality. **Please see the water quality data from our wholesale system(s) (either attached or included in this report) for additional information about your drinking water.**

General Information

All drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (1-800-426-4791) or by visiting [epa.gov/ground-water-and-drinking-water](https://www.epa.gov/ground-water-and-drinking-water).

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV-AIDS or other immune system disorders, some elderly, and infants can be particularly at risk of infections. These people should seek advice about drinking water from their health care providers. For more information about contaminants and potential health effects, or to receive a copy of the U.S. Environmental Protection Agency (EPA) and the U.S. Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and microbiological contaminants call the EPA Safe Drinking Water Hotline at (1-800-426-4791).

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- **Microbial contaminants:** viruses and bacteria that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- **Inorganic contaminants:** salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- **Pesticides and herbicides:** may come from a variety of sources, such as agriculture, urban storm water runoff, and residential uses.
- **Radioactive contaminants:** can be naturally occurring or be the result of oil and gas production and mining activities.
- **Organic chemical contaminants:** including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and also may come from gas stations, urban storm water runoff, and septic systems.

In order to ensure that tap water is safe to drink, the Colorado Department of Public Health and Environment prescribes regulations limiting the amount of certain contaminants in water provided by public water systems. The Food and Drug Administration regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

Lead in Drinking Water

Lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. We are responsible for providing high quality drinking water and removing lead pipes, but cannot control the variety of materials used in plumbing components in your home. You share the responsibility for protecting yourself and your family from the lead in your home plumbing. You can take responsibility by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Before drinking tap water, flush your pipes for several minutes by running your tap, taking a shower, doing laundry or a load of dishes. You can also use a filter certified by an American National Standards Institute accredited certifier to reduce lead in drinking water. If you are concerned about lead in your water and wish to have your water tested, contact JOEL MEGGERS at 303-381-4960. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at epa.gov/safewater/lead.

Source Water Assessment and Protection (SWAP)

The Colorado Department of Public Health and Environment may have provided us with a Source Water Assessment Report for our water supply. For general information or to obtain a copy of the report please visit wqcdcompliance.com/ccr. The report is located under "Guidance: Source Water Assessment Reports". Search the table using system name or ID, or by contacting JOEL MEGGERS at 303-381-4960. The Source Water Assessment Report provides a screening-level evaluation of potential contamination that **could** occur. It **does not** mean that the contamination **has or will** occur. We can use this information to evaluate the need to improve our current water treatment capabilities and prepare for future contamination threats. This can help us ensure that quality finished water is delivered to your homes. In addition, the source water assessment results provide a starting point for developing a source water protection plan. Potential sources of contamination in our source water area are listed on the next page.

Please contact us to learn more about what you can do to help protect your drinking water sources, any questions about the Drinking Water Quality Report, to learn more about our system, or to attend scheduled public meetings. We want you, our valued customers, to be informed about the services we provide and the quality water we deliver to you every day.

Our Water Sources

<u>Sources (Water Type - Source Type)</u>	<u>Potential Source(s) of Contamination</u>
PURCHASED WATER FROM CO0121575 (Surface Water-Consecutive Connection) N MONUMENT CREEK (Surface Water-Intake) ARAPAHOE WELL (Groundwater-Well)	Aboveground, Underground and Leaking Storage Tank Sites, Existing/Abandoned Mine Sites, Commercial/Industrial/Transportation, Low Intensity Residential, Row Crops, Fallow, Pasture / Hay, Deciduous Forest, Evergreen Forest, Road Miles

Terms and Abbreviations

- **Maximum Contaminant Level (MCL)** – The highest level of a contaminant allowed in drinking water.
- **Treatment Technique (TT)** – A required process intended to reduce the level of a contaminant in drinking water.

- **Health-Based** – A violation of either a MCL or TT.
- **Non-Health-Based** – A violation that is not a MCL or TT.
- **Action Level (AL)** – The concentration of a contaminant which, if exceeded, triggers treatment and other regulatory requirements.
- **Maximum Residual Disinfectant Level (MRDL)** – The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

- **Maximum Contaminant Level Goal (MCLG)** – The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- **Maximum Residual Disinfectant Level Goal (MRDLG)** – The level of a drinking water disinfectant, below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- **Violation (No Abbreviation)** – Failure to meet a Colorado Primary Drinking Water Regulation.
- **Formal Enforcement Action (No Abbreviation)** – Escalated action taken by the State (due to the risk to public health, or number or severity of violations) to bring a non-compliant water system back into compliance.
- **Variance and Exemptions (V/E)** – Department permission not to meet a MCL or treatment technique under certain conditions.
- **Gross Alpha (No Abbreviation)** – Gross alpha particle activity compliance value. It includes radium-226, but excludes radon 222, and uranium.
- **Picocuries per liter (pCi/L)** – Measure of the radioactivity in water.
- **Nephelometric Turbidity Unit (NTU)** – Measure of the clarity or cloudiness of water. Turbidity in excess of 5 NTU is just noticeable to the typical person.
- **Compliance Value (No Abbreviation)** – Single or calculated value used to determine if regulatory contaminant level (e.g. MCL) is met. Examples of calculated values are the 90th Percentile, Running Annual Average (RAA) and Locational Running Annual Average (LRAA).
- **Average (x-bar)** – Typical value.
- **Range (R)** – Lowest value to the highest value.
- **Sample Size (n)** – Number or count of values (i.e. number of water samples collected).
- **Parts per million = Milligrams per liter (ppm = mg/L)** – One part per million corresponds to one minute in two years or a single penny in \$10,000.
- **Parts per billion = Micrograms per liter (ppb = ug/L)** – One part per billion corresponds to one minute in 2,000 years, or a single penny in \$10,000,000.
- **Not Applicable (N/A)** – Does not apply or not available.
- **Level 1 Assessment** – A study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.
- **Level 2 Assessment** – A very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.



Detected Contaminants

FOREST VIEW ACRES WD routinely monitors for contaminants in your drinking water according to Federal and State laws. The following table(s) show all detections found in the period of January 1 to December 31, 2022 unless otherwise noted. The State of Colorado requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year, or the system is not considered vulnerable to this type of contamination.

Therefore, some of our data, though representative, may be more than one-year-old. Violations and Formal Enforcement Actions, if any, are reported in the next section of this report.

Note: Only detected contaminants sampled within the last 5 years appear in this report. If no tables appear in this section, then no contaminants were detected in the last round of monitoring.

Disinfectants Sampled in the Distribution System TT Requirement: At least 95% of samples per period (month or quarter) must be at least 0.2 ppm <u>OR</u> If sample size is less than 40 no more than 1 sample is below 0.2 ppm Typical Sources: Water additive used to control microbes						
Disinfectant Name	Time Period	Results	Number of Samples Below Level	Sample Size	TT Violation	MRDL
Chlorine	December, 2022	Lowest period percentage of samples meeting TT requirement: 100%	0	1	No	4.0 ppm

Lead and Copper Sampled in the Distribution System								
Contaminant Name	Time Period	90 th Percentile	Sample Size	Unit of Measure	90 th Percentile AL	Sample Sites Above AL	90 th Percentile AL Exceedance	Typical Sources
Copper	07/16/2022 to 09/23/2022	0.2	10	ppm	1.3	0	No	Corrosion of household plumbing systems; Erosion of natural deposits
Lead	07/16/2022 to 09/23/2022	1	10	ppb	15	0	No	Corrosion of household plumbing systems; Erosion of natural deposits

Disinfection Byproducts Sampled in the Distribution System									
Name	Year	Average	Range Low – High	Sample Size	Unit of Measure	MCL	MCLG	MCL Violation	Typical Sources
Total Haloacetic Acids (HAA5)	2022	3.6	0 to 13.4	4	ppb	60	N/A	No	Byproduct of drinking water disinfection
Total Trihalomethanes (TTHM)	2022	12.38	0 to 22.8	4	ppb	80	N/A	No	Byproduct of drinking water disinfection

Summary of Turbidity Sampled at the Entry Point to the Distribution System					
Contaminant Name	Sample Date	Level Found	TT Requirement	TT Violation	Typical Sources

Turbidity	Date/Month: Jul	Highest single measurement: 0.947 NTU	Maximum 1 NTU for any single measurement	No	Soil Runoff
Turbidity	Month : Jan	Lowest monthly percentage of samples meeting TT requirement for our technology: 95 %	In any month, at least 95% of samples must be less than 0.3 NTU	No	Soil Runoff

Radionuclides Sampled at the Entry Point to the Distribution System									
Contaminant Name	Year	Average	Range Low – High	Sample Size	Unit of Measure	MCL	MCLG	MCL Violation	Typical Sources
Gross Alpha	2022	2.4	1 to 3.8	2	pCi/L	15	0	No	Erosion of natural deposits
Combined Radium	2022	2.85	1.1 to 4.6	2	pCi/L	5	0	No	Erosion of natural deposits

Inorganic Contaminants Sampled at the Entry Point to the Distribution System									
Contaminant Name	Year	Average	Range Low – High	Sample Size	Unit of Measure	MCL	MCLG	MCL Violation	Typical Sources
Barium	2022	0.05	0.05 to 0.05	1	ppm	2	2	No	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits
Chromium	2022	1	1 to 1	1	ppb	100	100	No	Discharge from steel and pulp mills; erosion of natural deposits
Fluoride	2022	1.32	1.32 to 1.32	1	ppm	4	4	No	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories

Secondary Contaminants**						
**Secondary standards are non-enforceable guidelines for contaminants that may cause cosmetic effects (such as skin, or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water.						
Contaminant Name	Year	Average	Range Low – High	Sample Size	Unit of Measure	Secondary Standard
Sodium	2022	9	9 to 9	1	ppm	N/A



Violations, Significant Deficiencies, and Formal Enforcement Actions

Health-Based Violations

Maximum contaminant level (MCL) violations: Test results for this contaminant show that the level was too high for the time period shown. Please read the information shown below about potential health effects for vulnerable populations. This is likely the same violation that we told you about in a past notice. We are evaluating, or we already completed an evaluation, to find the best way to reduce or remove the contaminant. If the solution will take an extended period of time, we will keep you updated with quarterly notices.

Treatment technique (TT) violations: We failed to complete an action that could affect water quality. Please read the information shown below about potential health effects for vulnerable populations. This is likely the same violation that we told you about in a past notice. We were required to meet a minimum operation/treatment standard, we were required to make upgrades to our system, or we were required to evaluate our system for potential sanitary defects, and we failed to do so in the time period shown below. If the solution will take an extended period of time, we will keep you updated with quarterly notices.

Name	Description	Time Period	Health Effects	Compliance Value	TT Level or MCL
STORAGE TANK RULE	FAILURE TO INSPECT STORAGE TANK(S) AND/OR FAILURE TO CORRECT STORAGE TANK DEFECTS - F326	07/15/2022 - 08/12/2022	May pose a risk to public health.	N/A	N/A
Describe the steps taken to resolve the violation(s), and the anticipated resolution date: On the 06/23/2022 sanitary survey, it was discovered the Supplier hadn't completed a comprehensive inspection report on the Pump (Booster) Station Tank. Tank inspection was completed 08/11/2022 and public notice was distributed on 08/02/2022. Violation satisfied 08/12/2022.					
STORAGE TANK RULE	FAILURE TO INSPECT STORAGE TANK(S) AND/OR FAILURE TO CORRECT STORAGE TANK DEFECTS - F318	07/15/2022 - 08/12/2022	May pose a risk to public health.	N/A	N/A
Describe the steps taken to resolve the violation(s), and the anticipated resolution date: On the 06/23/2022 sanitary survey, it was discovered the Supplier hadn't completed a periodic inspection report on the Pump (Booster) Station Tank. Tank inspection was performed 06/29/2022 and public notice was distributed on 08/02/2022. Violation satisfied 08/12/2022.					
CHLORINE	FAILURE TO MAINTAIN MINIMUM TREATMENT FOR SURFACE WATER FILTRATION AND DISINFECTION	04/01/2022 - 04/30/2022	Disinfectant residual serves as one of the final barriers to protect public health. Lack of an adequate disinfectant residual may increase the likelihood that disease-causing organisms are present.	MG/L	MG/L
Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites, which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.					
Describe the steps taken to resolve the violation(s), and the anticipated resolution date: Due to an unprecedented increase in water production at the surface water treatment plant, we were unable to maintain the required chlorine residual. This issue was corrected on 04/23/2022 and a public notice was distributed on 06/02/2022. Violation has been satisfied.					

Health-Based Violations

Maximum contaminant level (MCL) violations: Test results for this contaminant show that the level was too high for the time period shown. Please read the information shown below about potential health effects for vulnerable populations. This is likely the same violation that we told you about in a past notice. We are evaluating, or we already completed an evaluation, to find the best way to reduce or remove the contaminant. If the solution will take an extended period of time, we will keep you updated with quarterly notices.

Treatment technique (TT) violations: We failed to complete an action that could affect water quality. Please read the information shown below about potential health effects for vulnerable populations. This is likely the same violation that we told you about in a past notice. We were required to meet a minimum operation/treatment standard, we were required to make upgrades to our system, or we were required to evaluate our system for potential sanitary defects, and we failed to do so in the time period shown below. If the solution will take an extended period of time, we will keep you updated with quarterly notices.

Name	Description	Time Period	Health Effects	Compliance Value	TT Level or MCL
Backflow and Cross-Connection					
CROSS CONNECTION RULE	FAILURE TO MEET CROSS CONNECTION CONTROL AND/OR BACKFLOW PREVENTION REQUIREMENTS - M614	07/15/2022 - 07/15/2022	We have an inadequate backflow prevention and cross-connection control program. Uncontrolled cross connections can lead to inadvertent contamination of the drinking water. This is due to one or more of the following: We have permitted an uncontrolled cross connection, as we failed to complete the testing requirements for backflow prevention devices or methods, and we failed to notify the State Health Dept of a possible backflow contamination event.	N/A	N/A
On the 06/23/2022 sanitary survey, it was discovered the Supplier had an inadequate backflow prevention and cross-connection control program. In 2019, the Supplier failed to achieve assembly testing compliance ratio, which may have resulted in an uncontrolled cross connection that can lead to inadvertent contamination of the drinking water. Backflow assembly testing compliance was met in 2020, 2021, and 2022, and a public notice was distributed on 08/02/2022. Violation has been satisfied.					
Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.					

Memorandum

To: Pete Johnson, Esq.
From: Stephanie Luce, P.E.
Date: May 21, 2024
Project: Forest View Acres Water District
Subject: Water Supply Review

LRE Water (LRE) has been asked to prepare an analysis of the water supplies available to the Forest View Acres Water District (FVAWD, District) to serve the existing water service demands and evaluate if additional taps can reasonably be served.

Background

FVAWD provides water service for residents within its District using a combination of surface water and groundwater supplies. Currently, the District serves approximately 342 homes (single-family equivalents, or SFEs), and may serve as many as 358 SFEs in the future. Figure 1, attached, is a general location map illustrating the extent of the FVAWD boundaries, the location of water supply sources and infrastructure supporting FVAWD water service. Table 1, below, summarizes the water rights portfolio owned by FVAWD.

Table 1 - Forest View Acres Water Rights Portfolio Summary

Water Right	Source of Supply	Case No.	Amount
Monument Ditch	Monument Creek	CA751 and CA56139	0.769 cfs (345 gallons per minute)
Arapahoe Well - Permitted	Arapahoe Aquifer	99CW161	85 AF/yr
Arapahoe Well - Unpermitted	Arapahoe Aquifer	99CW161	402.8 AF/yr
Dawson Well	Dawson Aquifer	99CW161	89.3 AF/yr
Other Denver Basin Aquifer Water – Unpermitted	Denver and Laramie-Fox Hills	99CW161	302.8 AF/yr
Raspberry Ridge Investment Rights	Arapahoe, Dawson, Denver, and Laramie-Fox Hills Aquifers	01CW26/ 01CW17	139.8 AF/yr
Nevins Wells	Monument Creek	W-773, W-774	81 AF/yr

Water Demands Served

Current System

Currently, the District relies on its Arapahoe Well (Permit No. 39865-F), and to a lesser extent on its Monument Ditch surface water supply. The Arapahoe Well withdrawals are limited by an existing permit to 85 acre-feet per year (AF/yr). As noted in Table 1, above, the water rights owned by the District can legally provide a significant supply of water; and with the necessary permitting and infrastructure may produce more water than the District may need on an annual basis.

Water service data provided by the District shows that currently there are 342 taps served and the annual demand met in 2022 was 76.7 acre-feet (AF/yr). The District's current annual demand averages approximately 80 AF/yr. This results in an average per-capita demand factor for the District of approximately 210 gallons per day per SFE (gpd/SFE), which is consistent with the average demand factor used by the District.

Again, the District has a large supply of water that is either unpermitted and/or inaccessible with current infrastructure (new wells would be required). The District currently utilizes less than half of its permitted supply from the Arapahoe Well, on average, but in a dry year the District could use the full permitted supply from the Arapahoe Well.

If the District were to serve 2 additional SFEs, the average annual water demands for the District would increase by 0.47 AF. The total water demands served by FVAWD would be around 81 AF/yr.

Water Supplies

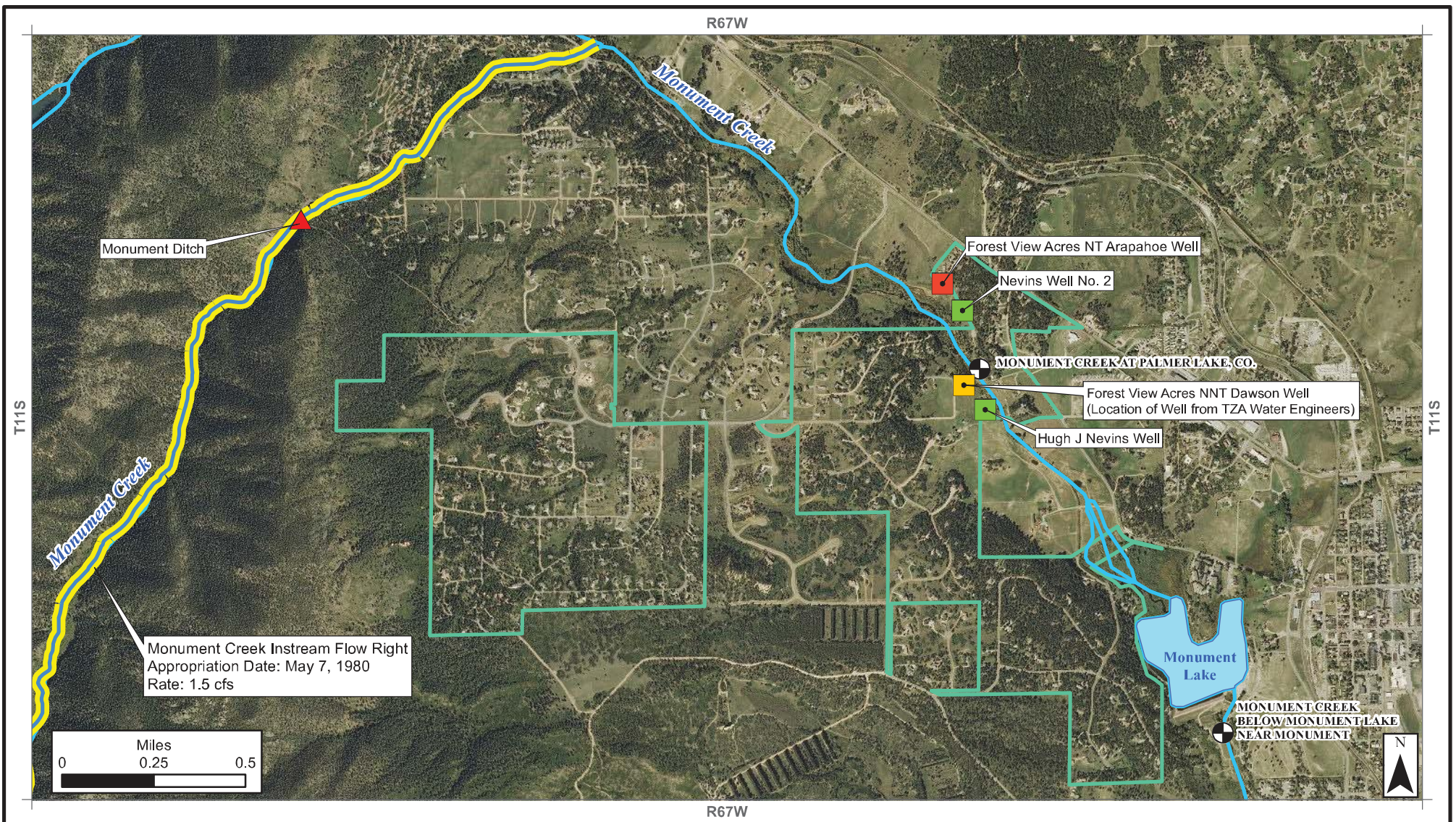
Water supplies available to the District are generally outlined in Table 1, above. With water supply planning it is critical to evaluate the water supplies available in dry times, and to rely upon those supplies that will be available in all years. The water supplies owned by the District include surface water and groundwater, and the estimated firm yield of these supplies is also summarized in Table 2, below. Because the Monument Ditch surface water supply may not be reliable in drought years, firm yield water supply is zero. The Arapahoe Well currently has a permitted annual limit of 85 AF/yr, which could be increased to 402.8 AF/yr.

Table 2 – Firm Yield of Primary Water Supplies for FVAWD

Water Supply	Average Annual Supply	Firm Yield
Monument Ditch	51 AF/yr	0 AF/yr
Arapahoe Well	40 AF/yr	85 AF/yr

Conclusions

LRE reviewed the water supplies currently operated to serve the FVAWD's 342 SFEs. The average annual water demand to serve these SFEs is approximately 80 AF/yr. If the District were to serve 344 SFEs, this demand would likely increase to less than 81 AF/yr. Based on the firm supply available from the District's currently permitted Arapahoe Well, 85 AF/yr can reasonably be served by the available water supplies.



- ▲ Ditch Headgates
- Forest View Acres NNT Dawson (TZA)
- Forest View Acres NT Arapahoe
- Hugh J Nevins Well
- Nevins Well No. 2
- ~ Monument Creek Instream Flow Reach
- ~ Monument Lake
- ~ Rivers
- Forest View Acres Water District Boundary
- ⊙ Streamflow Gages

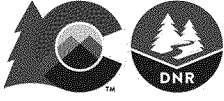
This product is for reference purposes only and is not to be construed as a legal document or survey instrument.

FIGURE 1
FOREST VIEW ACRES
WATER DISTRICT
GENERAL LOCATION MAP



1552FVA01

APPENDIX G – WELL PERMIT



ORIGINAL PERMIT APPLICANT(S)

BRIAN PETERSON

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: N/A
Management District: N/A
County: EL PASO
Parcel Name: N/A
Physical Address: 3125 N MINUMENT LAKE RD MONUMENT,
CO 80132

SE 1/4 NE 1/4 Section 16 Township 11.0 S Range 67.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 509445.8 Northing: 4327282.9

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT OR GUARANTEE WATER AVAILABILITY
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 and Ground Heat Exchanger Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(4) on the condition that this well is operated in accordance with the augmentation plan approved by the Division 2 Water Court in Case No. 25CW3071. If the well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) The use of groundwater from this well is limited to ordinary household purposes inside one single-family dwelling. The groundwater shall not be used for irrigation or other purposes.
- 5) Production from this well is limited to the Dawson aquifer. The total depth of the well shall not exceed 670 feet below ground surface, which corresponds to the base of the Dawson aquifer. At this location the well must be constructed in accordance with Well Construction Rule 10.4.6 (2 CCR 402-2) for a Type 2 aquifer.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The annual amount of groundwater to be withdrawn shall not exceed 0.5 acre-feet and the total volume of groundwater to be withdrawn shall not exceed 150 acre-feet.
- 8) 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.
- 9) The owner shall mark the well in a conspicuous location with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 10) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Water Commissioner or Division Engineer upon request.
- 11) This well shall be located not more than 200 feet from the location specified on this permit.
- 12) The return flow from the use of this well must be through an individual wastewater disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 13) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

WELL PERMIT NUMBER 91187-F

RECEIPT NUMBER 10050648

NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report must be submitted to the Division of Water Resources to verify the well has been constructed. Upon installation of the pump, a Pump Installation and Production Equipment Test Report (GWS-32) must be submitted to the Division of Water Resources. Forms are available at: dwr.colorado.gov

NOTE: A hydrogeologic aquifer evaluation has been completed for this permit and the details of the evaluation can be viewed in the hydrogeologic aquifer evaluation imaged document located in the well permit file.

NOTE: Any well construction, pump installation, repair, testing, or abandonment taking place on or after January 1, 2026 must comply with the Well Construction Rules (2 CCR 402-2, effective 1/1/26, <https://dwr.colorado.gov/services/well-construction-inspection#water-well-construction-rules>).



Issued By DOUG DUNN

Date Issued: 9/8/2026

Well must be constructed by 9/8/2028

Form No. GWS-44 4/2025 Page 1 of 3	STATE OF COLORADO OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 821, Denver, CO 80203 Phone: (303) 866-3581 Website: https://dwr.colorado.gov/ Email to: dwrpermitsonline@state.co.us				Office Use Only RECEIVED 07/16/2026 WATER RESOURCES STATE ENGINEER COLO	
RESIDENTIAL Water Well Permit Application Note: Also use this form to apply for livestock watering Review form instructions prior to completing form.						
1. Applicant Information						
Name of Applicant(s) Brian Peterson						
Mailing address 17390 Shiloh Pines Dr						
City Monument		State CO		Zip Code 80132		
Telephone # (area code & number) 719-244-7391		E-mail (online filing required) brianistdy@yahoo.com				
2. Type Of Application (check applicable boxes)						
☒ Construct new well		☐ Change source (aquifer)				
☐ Replace existing well		☐ Reapplication (expired permit)				
☐ Use existing well		☐ Rooftop precipitation collection				
☐ Change or increase use		☐ Other: _____				
3. Refer To (if applicable)						
Well permit #		Water Court case # Case No.: 25CW3071				
Designated Basin Determination #		Well name or #				
4. Location Of Proposed Well (SEE INSTRUCTIONS)						
Property address (Include City, State, Zip) ☐ Check if well address is same as Item 1 3125 N. Monument Lake Road (to be: 17400 Shiloh Pines Dr)						
Rule 6.2.3 ☐ Yes ☒ No (see instruction for information)		County EL Paso				
SE 1/4 of the NE 1/4		Section 16	Township N or S 11 ☐ ☒	Range E or W 67 ☐ ☒	P.M. 6	
Preferred location format: GPS well location information in UTM format. The following GPS settings are required : Format must be UTM . Units must be in meters . Datum must be NAD83 . Unit must be set to true north . ☐ Zone 12 or ☒ Zone 13. Easting: <u>509445.81</u> Northing: <u>4327282.98</u>						
Optional Location Information (must be provided if GPS location is not provided above and Rule 6.2.3 does not apply): distances from section lines: _____ feet from the ☐ N. or ☐ S. Line, _____ feet from the ☐ E. or ☐ W. Line						
5. Parcel On Which Well Will Be Located (You must attach a current deed for the subject parcel)						
A. You must check and complete <i>one</i> of the following:						
☐ Subdivision: Name _____ Lot _____ Block _____ Filing/Unit _____						
☐ County exemption (attach copy of county approval & survey) Name/# _____ Lot # _____						
☐ Parcel less than 35 acres, not in a subdivision attach a deed with metes & bounds description recorded prior to June 1, 1972, and current deed						
☐ Mining claim (attach copy of deed or survey) Name/#: _____						
☐ Square 40 acre parcel as described in Item 4 (1/4 of the 1/4 is required)						
☐ Parcel of 35 or more acres (attach metes & bounds description or survey)						
☒ Other: (attach metes & bounds description or survey)						
B. # of acres in parcel 3.94		C. Are you the owner of this parcel? If no, list owner. ☒ YES ☐ NO				
D. Will this be the only well on this parcel? ☒ YES ☐ NO (if no – list other wells)						
E. Parcel ID# (optional): 7116100001						
6. Use Of Well (check applicable boxes)						
See instructions to determine use(s) for which you may qualify						
☒ A. Ordinary household use in one single-family dwelling (no outside use)						
☐ B. Ordinary household use in 1 to 3 single-family dwellings: Number of dwellings: _____						
☐ Home garden/lawn irrigation, not to exceed one acre: area irrigated _____ ☐ sq. ft. ☐ acre						
☐ Domestic animal and poultry watering (non-commercial)						
☐ C. Livestock watering (on farm/ranch/range/pasture)						
7. Well Data (proposed)						
Maximum pumping rate 15		GPM		Annual amount to be withdrawn 0.5 acre-feet		
Total Depth 320		Aquifer Dawson				
8. Water Supplier						
Is this parcel within boundaries of a water service area? ☐ YES ☒ NO If yes, provide name of supplier: _____						
9. Type Of Sewage System						
☒ Septic tank / absorption leach field						
☐ Central system: District name _____						
☐ Vault: Location sewage to be hauled to: _____						
☐ Other (explain) _____						
10. Proposed Well Driller License # (optional):						
11. Sign or Enter Name 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.						
Sign or enter name(s) of person(s) submitting application Brian S Peterson				Date (mm/dd/yyyy) 07/14/2026		
If signing print name						
Title Property owner						
Office Use Only 10050648						



Well Permit Application

Brian Peterson <brianistdy@yahoo.com>
To: dwrpermitsonline@state.co.us

Tue, Jul 14, 2026 at 4:56 PM

This well permit application is to establish the ability to drill a well on the parcel that is getting replatted as part of a minor subdivision. It is current part of parcel 7116100001 at 3125 N MONUMENT LAKE RD. Once replatted will have a flag to Shiloh Pines Dr with the address of 17400 Shiloh Pines Dr.

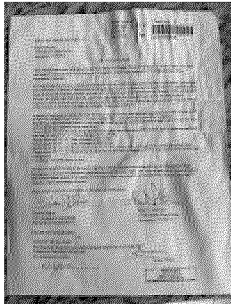
I don't actually have plans to drill the well in the immediate future, let need the permit for the minor subdivision and replat process to go forward

Please let me know if there are any concerns or additional information needed. I can provide the recently approved augmentation plan if helpful

Brian Peterson

17390 Shiloh Pines Dr
Monument, Co 80132
719-244-7391

2 attachments



Property Deed.jpg
212K



GWS-44 Residential Water Well Permit Application.pdf
1247K

WHEN RECORDED RETURN TO:

Brian Peterson
17390 Shiloh Pines Drive
Monument, CO 80132

Steve Schleiker
12/27/2023 11:34 32 AM
Doc \$0.00
Rec \$13.00
Page 1

El Paso County, CO



223104646

QUITCLAIM DEED

THIS DEED, made this 29th day of July, 2017 between Thomas Puskas ("Grantor"), of the County of El Paso and State of Colorado and Brian Peterson ("Grantee") whose legal address is 17390 Shiloh Pines Drive, Monument, Colorado.

WITNESS, that the Grantor, for an consideration of Fifty (\$50) Dollars and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released and sold and QUITCLAIMED and by these presents does remise, release, sell and QUITCLAIM unto the Grantee and the Grantee's heir and assigns forever, all of the right, title interest, claim and demand that the Grantor has in and to the real property, together with the fixtures and improvements located thereon (of which there are none), situate, lying and being in the County of El Paso and State of Colorado, described as follows:

A parcel of land located within that tract deeded to Thomas Puskas and recorded September 29, 1993 in Book 6270 at Page 382 of the El Paso County, Colorado records that is more particularly described as follows:
Beginning as the southwest corner of said tract and considering the west line thereof to bear North 00° 20' 04" East with all bearings contained herein relative to:
Thence North 00° 20' 04" East along the west line of said tract a distance of 268.00 feet; thence departing said west tract line, North 65° 23' 47" East a distance of 252.87 feet;
Thence North 89° 10' 49" East a distance of 80.57 feet;
Thence South 53° 43' 37" East a distance of 305.58 feet;
Thence South 00° 20' 04" West a distance of 185.67 feet, more or less, to a point on the south line of said tract.
Thence South 89° 10' 51" West along the south line of said tract a distance of 557.37 feet, more or less, to the Point of Beginning;
Containing 3.94 acres, more or less.

TO HAVE AND TO HOLD the same, together with all singular appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all estate, right, title, interest and claim, whatsoever, of the Grantor either in law or in equity, to the only proper use, benefit and behalf of the Grantee, and the Grantee's heirs and assigns forever.

EXECUTED AND DELIVERED on the date set forth above.

Thomas Puskas
3125 Monument Lake Road
Monument, Colorado 80132

Brian S. Peterson
17390 Shiloh Pines Drive
Monument, CO 80132

STATE OF COLORADO)

)ss.

COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me on 29 July 2017

Witness my hand and official seal.

My commission expires:

01/12/2020

Notary Public



Form No. GWS-80 8/2024 Page 1 of 3	STATE OF COLORADO OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 821, Denver, CO 80203 Phone: (303) 866-3581 Website: https://dwr.colorado.gov/ Email to: dwrpermitsonline@state.co.us	Office Use Only
Well Permit Applicant 600 Foot Spacing Verification Affidavit		
Well permit application receipt no. <u>10050648</u>		
I (WE), <u>Brian S Peterson</u> state as follows: Name of applicant(s)		
1. Well(s) Owned by the Applicant(s)		
I (we) own wells within 600 feet of the location where the well sought under the above stated well permit application will be constructed or located. Yes ☐ No ☒ . If yes, list the well permit numbers for the wells. If the wells are unregistered, provide the well location. _____ If yes, is the Division of Water Resources well ownership information for the well(s) up to date? Yes ☐ No ☐ . If the well ownership information is not up to date, a Change of Owner Name/Contact Information eForm for the well(s) must be filed with the Division of Water Resources, see instructions on page 3.		
2. Existing Well Verification (Check one of the following)		
☒ A. I (we) have conducted a site inspection to verify that there are NO existing production groundwater wells (either permitted or unregistered) within 600 feet of the location where the well sought under the above stated well permit application will be constructed or located, other than the wells I own as listed in Item 1 above (if any). AND The well sought under the above stated well permit application will not be constructed or located within 600 feet of an existing production groundwater well, other than the wells I own as listed in Item 1 above (if any).		
☐ B. I (we) have conducted a site inspection to verify that there are existing production groundwater wells (either permitted or unregistered) within 600 feet of the location where the well sought under the above stated well permit application will be constructed or located, other than the wells I own as listed in Item 1 above (if any). AND The well permit number (if any), well location (if known), name of the current well owner and mailing address of the current well owner for ALL existing production groundwater wells within 600 feet of the location where the well sought under the above stated well permit application will be constructed or located, other than the wells I own as listed in Item 1 above (if any), are provided on Page 2.		
3. Signed 600 foot spacing statements (Complete if Item 2.B above is checked)		
I have obtained 600 foot well spacing statements (forms GWS-38 or GWS-38A) signed by the owners of ALL production groundwater wells located within 600 feet of the location where the well sought under the above stated well permit application will be constructed or located, other than the wells I own as listed in Item 1 above (if any). Yes ☒ No ☐ All signed 600 foot well spacing statements must be provided to the Division of Water Resources with this form.		
4. Sign or Enter Name 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 (we) have read the statements herein, know the contents thereof and state that they are true to my (our) knowledge.		
Sign or Enter Name of Applicant <u>Brian S Peterson</u>	Print Name and Title of Applicant <u>Brian S Peterson</u>	Date (mm/dd/yyyy) <u>1/1/2026</u>

WELL PERMIT APPLICANT 600 FOOT SPACING VERIFICATION AFFIDAVIT (Page 2 of 3)

Location format: GPS well location information in UTM format. The following GPS settings are **required**: Format must be **UTM**. Units must be in **meters**. Datum must be **NAD83**. Unit must be set to **true north**. Zone 12 ☐ or Zone 13 ☐ See instructions on Page 3 for more information.

[illegible]

WELL PERMIT APPLICANT 600 FOOT SPACING VERIFICATION AFFIDAVIT (Page 3 of 3)

The form must be typed or printed in **DARK INK**. All changes on the form must be initialed and dated. **Attach additional sheets if more space is required. INCOMPLETE, POOR QUALITY, OR ILLEGIBLE FORMS CANNOT BE PROCESSED AND WILL BE RETURNED.** To submit the application, you will need to save the completed PDF form and email it to the well permit application evaluator that requested completion of the form.

USES: The provisions of Colorado Revised Statute 37-90-137(2) prohibit the issuance of a permit for a well to be located within 600 feet of any existing well, unless the State Engineer finds that circumstance so warrant after a hearing held in accordance with the procedural rules in 2 CCR 402-5, except as stated in section 37-90-137(2)(b)(II). **The responsibility to determine if there are production wells within 600 feet of the location of the proposed well lies with the well permit applicant. Such determination must include a site inspection and cannot rely solely on information available through DWR's well permit search, Mapviewer, or other online records/tools. The requirement for a site inspection does not grant any right to the applicant or others to access property that they do not own.**

ITEM INSTRUCTIONS: (numbers correspond with those on the front of this form)

1. The Applicant must state if they own wells located within 600 feet of the location where the well sought under the well permit application will be constructed or located and specify the well permit number for those wells. If the wells are unregistered, the location of the unregistered well must be provided using GPS coordinates. If the information in the Division of Water Resources ("DWR") database does not show the Applicant as the owner of the well, a Change of Owner Name/Contact Information eForm needs to be submitted to update DWR's records. See the [Guide to Change of Owner Name/Contact Information on Well Permits](#) for more information on filing a change of Change of Owner Name/Contact Information eForm. To determine if the ownership information is up to date, the Well Permit Search tool (available on the DWR website at: <https://dwr.state.co.us/Tools/WellPermits>) can be used to find the well ownership information.
2. Based on the information determined as part of a site inspection, specify whether or not there are other production groundwater wells, not owned by the Applicant, within 600 feet of the location where the well sought under the well permit application will be constructed or located, by checking the appropriate box (2.A or 2.B). If there are production wells that are not owned by the Applicant located within 600 feet of the location where the well sought under the well permit application will be constructed or located the permit number (if any), well location (if known) and name and mailing address of the current well owner must be provided using Page 2 of the form. If additional space is needed, provide the additional information as an attachment.

It is preferred that well locations be provided using GPS coordinates. The Location Converter tool (available on the DWR website at: <https://dwr.state.co.us/Tools/LocationConverter>) can be used to convert between Latitude/Longitude and UTM coordinates. The required GPS unit settings must be as indicated on this form. Colorado contains two UTM zones. Zone 13 covers most of Colorado. The boundary between Zone 12 and Zone 13 is the 108th Meridian (longitude). West of the 108th Meridian is UTM Zone 12 and east of the 108th Meridian is UTM Zone 13. The 108th Meridian is approximately 57 miles east of the Colorado-Utah state line. On most GPS units, the UTM zone is given as part of the Easting measurement, e.g. 12T0123456.

3. If Item 2.B is marked section 3 of the form must be completed and all signed 600 foot well spacing statements that were obtained must be provided to the Division of Water Resources.
4. **The well owner(s) must sign or enter their name(s) on the form in the signature block.** If signing as a **representative of a company** who owns the well, then your title must also be included in the title block. An authorized agent may also sign or enter their name on the application if a letter signed by the applicant or their attorney is submitted with the application authorizing that agent to sign or enter their name on the applicant's behalf. Put the date the application was signed (or name entered) in the date block. Wet or electronic signatures are acceptable. If providing a wet signature, type or print the name in the print name block.

STATEMENT OF OWNERSHIP OF AN AMOUNT OF A GROUNDWATER RIGHT WITHIN A DENVER BASIN BEDROCK AQUIFER, A DESIGNATED BASIN BEDROCK AQUIFER OR A NONTRIBUTARY AQUIFER

This statement is to be submitted with the following applications, see instructions for additional information:

Outside of the Designated Basins:

- 1) Well Permit application to withdraw Denver Basin or nontributary groundwater quantified by the Water Court pursuant to a court decree; OR
- 2) Well Permit application for an additional well to well permit(s) issued by the State Engineer pursuant to section 37-90-137(4), C.R.S., where the water has not been quantified by the Water Court.

Within the Designated Basins:

- 1) Well Permit application to withdraw groundwater allocated in a Determination of Water Right issued by the Ground Water Commission pursuant to section 37-90-107(7), C.R.S.; OR
- 2) Application to change a Determination of Water Right; OR
- 3) Application for a replacement plan that seeks to withdraw groundwater from a bedrock aquifer and/or use groundwater from a bedrock aquifer as a replacement source.

Review the instructions on Page 2 of this form. This form must be completed, signed, dated and submitted along with the application (i.e. well permit application, change of Determination of Water Right application or replacement plan application).

1. APPLICANT INFORMATION			
Name of Applicant Brian S Peterson			
Mailing Address 17390 Shiloh Pines Dr	City Monument	State CO	Zip Code 80132
Telephone Number (include area code) 7192447391		Email brianistdy@yahoo.com	
2. COURT CASE (DECREE), WELL PERMIT, OR DETERMINATION NO. 10050648		3. AQUIFER Dawson	
4. STATEMENT OF OWNERSHIP – I hereby state that I am the owner of the following amount of the water right quantified in the decree, well permit, or Determination of Water Right identified above. 1) An average annual amount of withdrawal of _____ acre-feet per year (based on a 100-year aquifer life). OR 2) An average annual amount of withdrawal of _____ acre-feet per year (based on a period of ____ years). OR 3) A volume of <u>251</u> _____ acre-feet . OR NOTE: An average annual amount will be expressed in the relevant documents (i.e. evidence of ownership, decree, well permit, Determination of Water Right) as an acre-feet per year amount. A volume will be expressed as an acre-feet amount. If an average annual withdrawal is being provided the relevant documents must be reviewed to determine the aquifer life upon which such withdrawals were based and that period must be provided. See the instructions for additional information.			
5. EVIDENCE OF OWNERSHIP – If the applicant is not the same party to whom the decree, well permit, or Determination of Water Right was originally issued, a copy of a deed that has been recorded with the county must be provided showing that the applicant owns the amount of the water right claimed herein.			
6. WELL FIELD – Is this well proposed to operate as a well field with any other wells? YES ☐ NO ☒ If yes: Provide a complete list of all wells, and their permit numbers, that will operate as a well field.			
7. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to section. 24-4-104(13)(a), C.R.S. I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.			
Signature(s) of the well owner or agent <u>Brian S Peterson</u>		Please print the Signer's Name & Title Brian S Peterson	
		Date 18 Aug 2026	

INSTRUCTIONS – STATEMENT OF OWNERSHIP OF A RIGHT TO AN AMOUNT OF GROUNDWATER (Page 2 of 2)

The form must be typed or printed in **DARK INK**. All changes on the form must be initialed and dated. **Attach additional sheets if more space is required. INCOMPLETE, POOR QUALITY, OR ILLEGIBLE FORMS CANNOT BE PROCESSED AND WILL BE RETURNED.**

To submit the application you will need to save the completed PDF form and email the PDF, along with the application (i.e. well permit application, change of Determination of Water Right application or replacement plan application), to: dwrpermitsonline@state.co.us Refer to the "Form Submittal, Payment Options and Fee Schedule" instructions, found under "Important Links" on the Well Permitting page (<https://dwr.colorado.gov/services/well-permitting>) for further information. Once the PDF forms have been submitted you will receive an email with an attached invoice containing a link to submit payment online. The forms will not be processed until the fee has been received. **Fees are nonrefundable.**

ITEM 1 - APPLICANT INFORMATION - Provide the name of the applicant applying for the well permit, change of Determination of Water Right or Replacement Plan, and the mailing address, telephone number and email where all correspondence will be sent.

ITEM 2 – COURT CASE (DECREE), WELL PERMIT, OR DETERMINATION NO. – Identify the Court case number of the decree, well permit number, or Determination of Water Right number that quantified the right that is proposed to be withdrawn pursuant to the requested well permit, changed pursuant to the requested change of Determination of Water Right, or used or withdrawn under the Replacement Plan.

ITEM 3 - AQUIFER - Identify the aquifer in which the water was allocated.

ITEM 4 – STATEMENT OF OWNERSHIP – Indicate the amount of the water right owned by the applicant. While the amount consists of a volume of water, the decree, well permit, or Determination of Water Right that quantified the amount may have expressed the amount as an allowed average annual amount of withdrawal over an aquifer life of 100 years or more.

The amount must be specified as a volume if the decree, well permit or Determination of Water Right included terms and conditions requiring that any action taken that is intended to convey, transfer, and/or sell the subject water right explicitly identify the total amount (i.e. volume) of the right that is conveyed. For well permits review any Findings associated with a well permit for such terms and conditions.

If the amount is identified as an annual average amount of withdrawal the applicant must also indicate the number of years (e.g. the aquifer life) associated with the identified annual withdrawal since this information is required to determine the volume conveyed to the applicant (volume = average annual amount of withdrawal x number of years). According to section 37-90-137(4)(b)(I), C.R.S., and Statewide Nontributary Ground Water Rule no. 8.A. outside of the Designated Basins, section 37-90-107(a), C.R.S., and Designated Basin Rule no. 5.3.2. and Designated Basin Rule 5.4.2 inside of the Designated Basins, the water is allocated over a 100 year aquifer life. However, for some subdivisions, because county requirements limited the annual water withdrawals so as to provide a water supply for longer than 100 years, property owners may have been conveyed an annual amount of water based on a water supply of more than 100 years. Review the decree, well permit, or Determination of Water Right that quantified the subject water right and your evidence of ownership carefully.

ITEM 5 – EVIDENCE OF OWNERSHIP – If the applicant is not the same party to whom the decree, well permit, or Determination of Water Right was originally issued, a copy of a deed that has been recorded with the county must be provided showing that the applicant owns the amount of the water right being claimed.

ITEM 6 – WELL FIELD – If this well is proposed to operate as a well field with any other well or wells in the same aquifer, provide a complete list of all the other wells, and their permit numbers, that are proposed to operate as the well field. Use an attachment if needed. Operation of a well field means all wells in the well field are permitted to withdraw the same amount of water in any combination thereof, which amount could include either all or a portion of the quantified water. See Statewide Nontributary Ground Water Rule 14 outside of Designated Basins, or Designated Basin Rules 4.2.35, and 5.3.8 and 5.4.7 inside Designated Basins, for information on well fields.

Well fields are only allowed for non-exempt wells outside of a Designated Basin and for large capacity wells inside of a Designated Basin; they are not allowed for exempt wells outside of a Designated Basin or small capacity wells inside of a Designated Basin.

ITEM 7 - SIGNATURE OF APPLICANT – The application must be signed. If the applicant is a company, corporation, organization, etc., the statement must be signed by a responsible person in the company who must indicate their title. The application may be signed by the attorney who is acting on behalf of the applicant. An applicant's authorized agent may sign the application if a letter signed by the applicant is submitted with the application authorizing the person to act as agent for the specific purpose of applying for the well permit.

Additional information:

- **General information** can be accessed on the Division of Water Resources website at <https://dwr.colorado.gov>
- **Water Court Decree** documents can be accessed on the Division of Water Resources website. Using the Laserfiche tool available at <https://dwr.colorado.gov/imaged-documents> choose the Water Court template, and enter the Case Number (Note that the format used to enter the case no. is YYCW####, for example 19CW0001 would be entered for case no. 2019CW1).
- **Well Permit** documents can be accessed on the Division of Water Resources website. Using the Laserfiche tool, choose the Well Permit Information template, and enter the well permit number.
- **Determinations of Water Rights** documents can be accessed on the Division of Water Resources website. Using the Laserfiche tool, choose the Well Permit Information template, and enter the Determination number as the well permit number.
- **A map of the Designated Basins** can be accessed on the Division of Water Resources website at <https://dwr.colorado.gov/services/well-permitting/designated-basins>

If you have questions, contact the Denver Office or submit a question at: [AskDWR - Form GWS-79](#) for assistance. Contact information is available from our website at: <https://dwr.colorado.gov/about-us/contact-us>



Bedrock Aquifer Evaluation Determination Tool

Denver Basin Aquifers - Specific Location Determination Tool

Applicant: PETERSON, BRIAN Receipt Number: 10050648
Location: SE 1/4 of NE 1/4 of Sec. 16, T.11S, R.67W. (1980 NSL, 1110 ESL) Evaluated By: N/A
Basin Designation: Location is within the UNKNOWN Designated Groundwater Basin
Ground Surface Elevation: 7069.74 Number of Acres: 3.94

Warning! The depth intervals estimated in this area may vary from actual conditions due to lack of data and/or structural complexity.

Aquifer	Elevation (ft)		Net Sand	Depth (ft)		Annual Approp. (AF)	Status
	Bottom	Top		Bottom	Top		
Upper Dawson	6363	6963	299.9	707	107	2.36	NNT
Lower Dawson	--	--	--	--	--	--	--
Denver	5837	6321	225.3	1233	749	1.51	NNT
Upper Arapahoe	5266	5785	447.0	1804	1285	2.99	NT
Lower Arapahoe	--	--	--	--	--	--	--
Laramie-Fox Hills	4813	5113	184.0	2257	1957	1.09	NT

Date: 8/3/2026

Hydrogeology Section Consultation

Evaluator: Doug Dunn

Replacement Application? ☐

Receipt No: 10050648 Permit: _____

Applicant: Brian Peterson

Location: SE 1/4 NE 1/4 Section 16, Township 11 S, Range 67 W, 6th PM

Easting: 509445 Northing: 4327282 Elevation: 7070 Rule 6.2.3: ☐

Aquifer(s) Requested: Dawson

Research:

	<u>Elev</u>	<u>BASE TO W</u>
DBA	<u>6345</u>	
CGS	<u>6400</u>	

Town of Monument Well 10 6955 6325

KREHBIEL 6980 6405

FOREST VIEW ACRES 6976 6314

Town of Monument Well 12 6947 6518

Recommended Permit Conditions and Notes:

DAWSON AQUIFER FROM SURFACE TO APPROX 670 FEET
*RUS 10.1.6 - TYPE 2 (7070-6400 FEET)

Hydrogeologist Signature: 

Date: 8/5/2026

THIS REVIEW DOES NOT GUARANTEE WATER AVAILABILITY IN ANY LISTED AQUIFER