

WATER RESOURCES REPORT

for

***PT Overlook, LLC
Overlook Subdivision***

EPC Parcels #: 4122000005, 4100000255, 4100000256

**November 2023
(revised January 2024)**

Prepared By:



PT Overlook, LLC
OVERLOOK SUBDIVISION
Elbert Road

EPC PARCELS # 4122000005, 4100000255, 4100000256

WATER RESOURCES REPORT

November 2023
(revised January 2024)

Prepared for:

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1.0 INTRODUCTION AND EXECUTIVE SUMMARY

The purpose of this report is to address the specific water needs of a proposed subdivision of Parcel # 4122000005, 4100000255, 4100000256 in El Paso County, CO.

EXECUTIVE SUMMARY: The proposed water rights and augmentation plan would be sufficient to meet the needs of sixty-two (62) residential lots proposed for the subdivision on a 300-year basis.

2.0 PROJECTED LAND USES

2.1 *Projected Land Uses*

This report pertains to the existing three parcels totaling 350.811 acres, that are proposed to be divided into sixty-two (62) residential lots. Please refer to the *Land Use Exhibit* in **Appendix A**.

3.0 WATER NEEDS AND PROJECTED DEMANDS

3.1 *Water Demand Summary*

It is anticipated that the proposed sixty-two (62) residences will use approximately 31.0 AF/year for domestic (0.26 AF/year/residence), irrigation (assuming 3,463 ft² of lawn and garden), and stock water applications. All water demands are anticipated to be met using residential wells drilled into the not-nontributary Upper Dawson aquifer. These demand estimates are based upon information provided by the replacement plan included in recorded decree #4638-RP for the PT Overlook, LLC, located in **Appendix C**. Also note that approximately 235 acres of the property lies within the boundary of the Upper Black Squirrel Creek Designated Basin, with the remaining approximate 115 acres being located within the Kiowa-Bijou Designated Ground Water Basin. Estimated water demands and wastewater loads are shown Table 3-1 below:

Table 3-1: Summary of Expected Water Demands & Wastewater Loads

Water							Wastewater
Basin	# of SFEs	Annual Indoor Use 0.26 (AF/YR/SFE)	Average Daily Indoor Use (GPD)	Irrigation 0.0566 (AF/1,000 ft ²)	Domestic Watering 0.011 (AF/Horse/Yr)	Total Indoor, Watering, & Irrigation (AF)	ADF (@ 90% Indoor Use) (GPD)
Kiowa-Bijou	20	Note 1 5.200	4642	Note 2 3.920	Note 3 0.880	10.00	4,178
Upper Black Squirrel	42	10.920	9749	8.232	1.848	21.00	8,774
Total		16.120				31.00	12,952

Note 1: Per 8.4.7(B)(7)(d) of the EPC Land Development Code - general residential use

Note 2: Assuming 0.0566 per 1000 ft² per EPC-LDC at 3,463 SF of lawn/garden/trees

Note 3: Assuming for 4 horses per unit

3.2 Unit Water User Characteristics

Unit water user characteristics are counted on a *single-family equivalent* (SFE) basis. All single-family homes are counted as one SFE, and user characteristics were based on information provided in the *El Paso County Land Development Code*, Chapter 8.

3.3 Demand versus Supply

An overall demand of 31.0 acre-feet for the proposed subdivision is less than the amount of supply proposed out of the not-nontributary Upper Dawson Aquifer. There is an existing well on the property under permit # 157064-A, which will be re-permitted to facilitate use out through the approved replacement plan decreed in court case number 4638-RP. Total annual allocations out of the not-nontributary Dawson Aquifer total 245.18 AF/year on a 100-year basis, and 81.73 AF/year on a 300-year basis according to decree Nos. 4638-BD and 4638-RP. This 300-year supply is more than enough to meet the estimated demands for the proposed subdivision. All Denver Basin allocations are shown in Table 4-1 in conjunction with their approved decrees.

4.0 WATER RIGHTS AND SUPPLY

4.1 Water Rights

Water rights, determinations, and replacement plan have been decreed as included in **Appendix C. Table 4-1** below summarizes the information from said decrees as included in **Appendix C.**

Table 4-1: Water Rights Summary

Overlook Subdivision

Estimated Annual Water Appropriations

Basin	Land Formation/ Aquifer	Determination	Tributary Status	Area	Total Approp. Water	Annual Allocation 100-Year	Annual Allocation 300-Year
				(Acres)	(AF)	(AF/Year)	(AF/Year)
Kiowa- Bijou Designated Basin	Dawson ¹	4638-BD	NNT	116.11	8,115	81.15	27.05
	Denver	4637-BD	NT	116.11	5,922	59	20
	Arapahoe	4636-BD	NT	116.11	4,145	41	14
	Laramie-Fox Hills	4635-BD	NT	116.11	3,570	36	12
Upper Black Squirrel Creek Designated Basin	Dawson ¹	4638-BD	NNT	234.7	16,403	164.03	54.68
	Denver	4637-BD	NT	234.7	11,970	120	40
	Arapahoe	4636-BD	NT	234.7	8,379	84	28
	Laramie-Fox Hills	4635-BD	NT	234.7	7,217	72	24
Total Legal Supply						657.20	219.07
						<i>100-Year</i>	<i>300-Year</i>

¹ Dawson aquifer allocations are reduced by previous usage out of Well Permit 157064-A

**Beneficial
Uses:** Domestic Indoor, Commercial
Indoor & Outdoor Irrigation

As described in **Appendix C**, the following conditions are allowed for the subject property:

- Water may be withdrawn through the existing well on-site (Permit # 157064-A), as well as allowing up to sixty-one (61) new additional wells (all new and existing wells will be allotted 0.50 AF/year per residential well). Existing and new wells will be drilled into the Upper Dawson Aquifer and will be developed on the subject property. The original permit number to operate the existing well is contained in **Appendix C.**

- Existing wells (Permit # 157064-A) must be re-permitted as described in decree No 4638-BD.
- Each residential well can use 0.26 AF/year for in-house use and 0.24 AF/year for other uses, which include the irrigation of up to 3,463 square feet per lot of landscape and/or limited crops and up to four heads of livestock. Total water allotted per well is 0.50 AF/year and a total of 31.0 AF/year for the subdivision.
- All wells are to be drilled to the Dawson aquifer. All wells to be metered.
- The type of use to which the Dawson water pumped must be used for domestic indoor use, indoor and outdoor irrigation, pursuant to the augmentation plan.

4.2 *Adequacy of Water Rights*

Current water rights are adequate for buildout demands of sixty-two (62) residential lots to meet 2040 and 2060 buildout projections on a 300-year basis.

The proposed Overlook Subdivision is partially located within the Kiowa-Bijou Designation Basin, and partially within the Upper Black Squirrel Creek Designated Basin. Of the formations located below the Overlook Subdivision, only the Dawson is considered not-nontributary while the Arapahoe, Denver, and Laramie Fox-Hills aquifers are considered non-tributary. The applicant has rights to withdrawal water from all four (4) formations, though only the use from the Dawson requires an augmentation and replacement plan for all uses. Decree No. 4638-RP defines required return flows to augment depletions from the alluvium through pumping of the not-nontributary Dawson Aquifer. As this proposed subdivision has 20 proposed residences that sit within the Kiowa-Bijou Designated Basin, and 42 proposed residences that sit within the Upper Black Squirrel Creek Designated Basin, the replacement plan addresses both basins. All associated applications, forms, and documentation are included in **Appendix C**:

- There is estimated to be a total of 81.73 AF/year available on a 300-year supply basis out of the Upper Dawson Formation, which is greater than the estimated annual demand of 31.0 AF-year for all sixty-two (62) residential lots. These demands will be served by Denver Aquifer wells as needed. The twenty (20) lots located within the Kiowa-Bijou designated basin are estimated to demand 10 AF/year, while the forty-two (42) lots located within the Upper Black Squirrel Designated Basin are estimated to demand 21 AF/year.
- Assuming a 0.26 AF/yr domestic use per resident for indoor uses (*per 8.4.7(B)(7)(d) of the EPC Land Development Code*) with 90% return flows through the non-evaporative septic system per resident, this results in a 0.234 AF/yr return flow back through the septic system per residence, or 14.508 AF/year total for the sixty-two residences. This equates to 9.828 AF/year of return flows for the 42 residences within the Upper Black Squirrel Designated Basin, and 4.68 AF/year of return flows for the 20 residences in the Kiowa-

Bijou Designated Basin available to replace maximum depletions to the alluvium. However, the proposed replacement plan application has estimated a conservative domestic residential use of 0.2 AF/year. This results in a 0.18 AF/yr return flow back through the septic system per residence, or 11.16 AF/year total for the sixty-two residences. This equates to 7.56 AF/year of return flows for the 42 residences within the Upper Black Squirrel Designated Basin, and 3.6 AF/year of return flows for the 20 residences in the Kiowa-Bijou Designated Basin available to replace maximum depletions to the alluvium.

- Assuming annual pumping of 31.0 AF/year out of the Upper Dawson formation at full build-out, annual depletions to the alluvium are expected to reach 1.44 AF/year. Of this estimated depletion volume, approximately 1.39 AF/year is estimated to come out of the Kiowa-Bijou Designated Basin (or 4.474% of the projected 31.0 AF/year pumped from both basins). Additionally, of this estimated depletion volume, approximately 0.05 AF/year is estimated to come out of the Upper Black Squirrel Designated Basin (or 0.090% of the projected 31.0 AF/year pumped from both basins). The estimated 7.56 AF/year of return flows generated from the forty-two (42) homes located within the Upper Black Squirrel Designated Basin are sufficient to replace the estimated 0.05 AF/year of depletions from the Upper Dawson Aquifer. The estimated 3.6 AF/year of return flows generated from the twenty (20) homes located within the Upper Black Squirrel Designated Basin are sufficient to replace the estimated 1.39 AF/year of depletions from the Upper Dawson Aquifer. These estimates are included in the approved decree No. 4638-RP. The documents are included in **Appendix C**.

Conclusion:

The proposed water rights, once acquired following approval of all water rights applications, will be adequate to meet the estimated overall demand and resulting alluvial depletions of 1.44 acre-feet/year for sixty-two (62) residential lots.

4.3 *Description of Proposed Water Rights*

The subject area's proposed water rights involve non-renewable supplies in the Denver Basin, further discussed below.

Non-Renewable Denver Basin Supply

The Denver Basin is a vast, deep-rock aquifer that stretches from southeast of Colorado Springs to Greeley, and from the base of the front range to the eastern end of Elbert County. Rights granted in the Denver basin are based on the ownership of the surface property – the larger the parcel, the larger the allocation.

Denver Basin water is considered finite and therefore non-renewable. In the subject area, there are four main formations that make up the Denver Basin: Dawson, Denver, Arapahoe, and Laramie-Fox Hills (LFH), described from shallowest to deepest.

5.0 WATER SYSTEM FACILITIES AND PHYSICAL SUPPLY

5.1 *Source of Supply*

Supply for the sixty-two (62) residential lots be met with future or existing wells completed in the Upper Dawson aquifer. There is one existing well (Permit # 157064-A) that is currently drilled into the Upper Dawson formation. Any new wells will be drilled, screened, test-pumped, and completed in accordance with the Colorado Division of Water Resources rules and regulations.

5.2 *Water Treatment*

Water from the well located in EPC parcel number 4122000005 was tested on 06/12/23 for constituents required by El Paso County regulations for a confined aquifer. Any desired treatment of existing and future wells will rely on the individual homeowners as this is not considered a *Community System* by the Colorado Department of Public Health and Environment.

5.3 *Water Storage*

Water storage (other than potential individual cisterns or pressure tanks) will not be constructed. Therefore, a central water system with treatment and fire-flow capabilities will not be provided. The residents of each subdivided lot will be made aware of this since it will be included on the subdivision plat.

5.4 *Distribution, Pumping, and Transmission Lines*

Since there is no central water system proposed for this subdivision, no distribution, pumping, or transmission lines will be constructed.

5.5 *Water Quality*

The water quality in the Upper Dawson aquifer in this area has typically been suitable for residential potable use. Water samples were obtained from the existing well located in EPC parcel number 4122000005, (well permit # 157064-A) obtained via an exterior tap on the existing house on this property. Water samples were obtained from this tap on 06/12/2023, with water quality testing performed by Colorado Analytical Laboratories and Hazen Research, Inc., per the El Paso County Land Development Code section 8.4.7(B). The results from this water quality testing can be found in **Appendix D**. All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs) except for Total Coliform which was found to be present. A second sample was collected from the same location on 08/10/23 and a standard bacteriological test was performed by El Paso County Public Health Laboratory. This second test also showed the presence of Total Coliform. It is suspected that the outdoor tap used for the sample collection was contaminated and that the well and aquifer are not the source of the presence of Total Coliform.

Because of the absence of E. Coli and all other sampled and analyzed constituents were below all primary and secondary standards, the proposed water source emanating from the Dawson Aquifer is deemed safe for public consumption.

6.0 EL PASO COUNTY MASTER PLANNING ELEMENTS

6.1 *County Water Master Plan 2040 and 2060 Projections*

The subject property lies on the dividing line between two El Paso County Water Master Planning areas, with the north portion of the property in Region 4a and the southern portion of the property in Region 4c.

6.2 *Buildout (Including 2040 and 2060 Buildout):*

Expected buildout of the subject property are sixty-two (62) total lots. Demands for the entire subdivision are listed in Section 3.0 of this report, which include a total demand of 31.0 AF/year as described in the approved decree No. 4638-RP.

6.3 *Description of Long-Term Planning and Future Sources of Supply*

Per El Paso County criteria, the 300-year supply of water for the subject property appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. However, the proposed supply in the Upper Dawson aquifer is based on non-renewable sources.

If needed beyond the 300-year supply, the subdivision has applied for nontributary water rights in the Arapahoe and Laramie-Fox Hills formations. In addition, the Overlook Subdivision may also elect to connect the existing Park Forest District for Central Water System supplies if the existing not-nontributary Dawson Aquifer does not have sufficient water to meet projected full build-out demands.

6.4 *Water System Interconnects*

The closest source for a potential interconnect is the Park Forest Water District—approximately 8.52 miles to the southwest. Park Forest Water District does include central water service which is sized to serve the existing demands within its service area.

It is not anticipated (and Park Forest Water District has not been contacted) that an interconnect is needed or warranted to supply water to the Overlook Subdivision. However, if Denver basin supplies are not sufficient to provide adequate water supply to the Overlook Subdivision, an interconnect with the Park Forest Water District may be considered.

7.0 CONCLUSION

The subject property has adequate water supply to meet the needs of the proposed subdivision on a 300-year basis.

Appendix A

ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.

TITLE COMMITMENT SC55110184

PARCEL A:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

TITLE COMMITMENT SC55110184

PARCEL A

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO; THENCE S00°19'49"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2,646.38 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°47'36"E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 2,646.44 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF REATA FILING NO. 1, AS RECORDED IN PLAT BOOK A-3 AT PAGE 62; THENCE S88°43'40"W ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION AND THE NORTHERLY BOUNDARY LINE OF SAID REATA FILING NO. 1, A DISTANCE OF 3,943.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE N00°37'58"W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,997.73 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE FORMER COLORADO AND SOUTHERN RAILWAY, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF APEX RANCH ESTATES AS RECORDED UNDER RECEPTION NUMBER 208712902; THENCE ON THE WEST BOUNDARY OF THE FORMER COLORADO AND SOUTHERN RAILWAY BOUNDARY AND THE BOUNDARY OF SAID APEX RANCH ESTATES THE FOLLOWING TWO (2) COURSES:

1. N35°18'27"E A DISTANCE OF 178.25 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 17°55'17", A RADIUS OF 1,810.08 FEET A DISTANCE OF 566.17 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF APEX RANCH ESTATES, RECORDED UNDER RECEPTION NUMBER 208712902;

THENCE N88°37'29"E ON SAID SOUTHERLY LINES A DISTANCE OF 951.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SECTION 22; THENCE N88°38'04"E ON THE SOUTHERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,311.89 FEET TO THE SOUTHEAST CORNER OF SAID APEX RANCH ESTATES AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE N00°23'27"W ON THE EAST LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 1,321.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S88°37'41"W ON THE BOUNDARY LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 11.86 FEET TO AN ANGLE POINT ON SAID BOUNDARY LINE SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY LINE OF THE QUIT CLAIM DEED RECORDED UNDER RECEPTION NUMBER 205156836; THENCE ON THE EASTERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND SAID QUIT CLAIM DEED THE FOLLOWING FOURTEEN (14) COURSES:

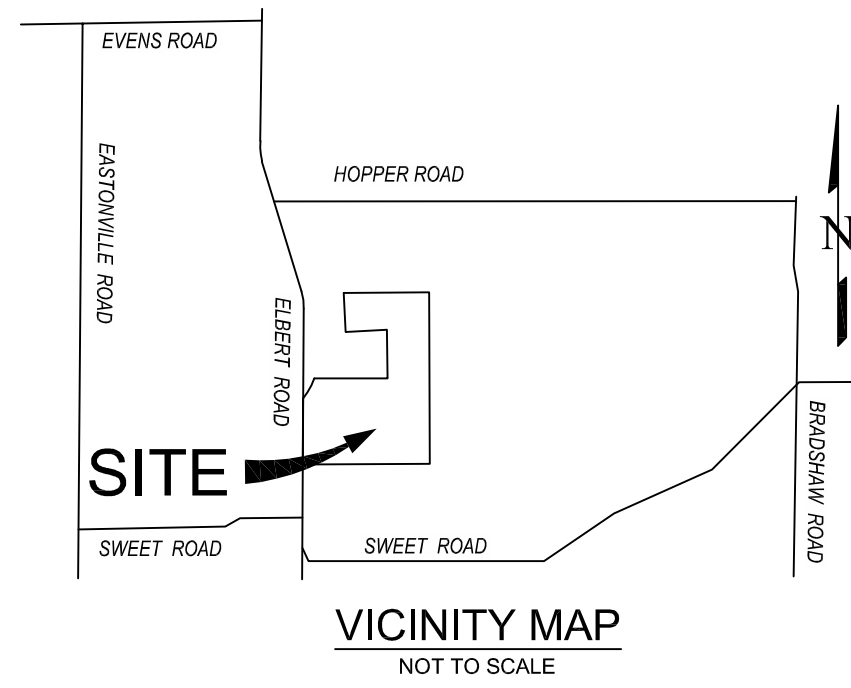
1. N06°42'44"W A DISTANCE OF 161.04 FEET;
2. S88°06'46"W A DISTANCE OF 95.20 FEET;
3. S86°45'34"W A DISTANCE OF 288.72 FEET;
4. S86°37'02"W A DISTANCE OF 397.37 FEET;
5. S86°34'15"W A DISTANCE OF 123.39 FEET;
6. S86°48'59"W A DISTANCE OF 107.19 FEET;
7. S86°35'53"W A DISTANCE OF 172.60 FEET;
8. S86°51'02"W A DISTANCE OF 70.34 FEET;
9. N00°45'36"W A DISTANCE OF 165.40 FEET;
10. N00°12'12"E A DISTANCE OF 141.82 FEET;
11. N00°33'05"W A DISTANCE OF 409.91 FEET;
12. N02°52'37"W A DISTANCE OF 73.32 FEET;
13. N04°36'23"W A DISTANCE OF 374.86 FEET;
14. N00°26'39"W A DISTANCE OF 36.96 FEET TO A THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE N88°34'23"E ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 22, A DISTANCE OF 2,629.29 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,281,308 SQUARE FEET OR 350.811 ACRES MORE OR LESS.

GENERAL NOTES:

1. PURSUANT TO OUR CLIENT'S REQUEST, THE FOLLOWING ITEMS FROM "TABLE A - OPTIONAL SURVEY AND SPECIFICATIONS" FOR ALTA/ACSM LAND TITLE SURVEYS, WERE ADDRESSED AND, IF APPLICABLE, SHOWN ON OUR SURVEY (THE NUMBERING SEQUENCE USED IS THE SAME AS "TABLE A"):
 - 1., 2., 4., 7.(a), 7.(b)(1), 8., AND 9.
2. ALL REFERENCES HEREON TO BOOKS, PAGES, MAPS AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS FILED IN THE RECORDS OF EL PASO COUNTY, STATE OF COLORADO.
3. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
4. EASEMENTS AND PUBLIC DOCUMENTS SHOWN OR NOTED HEREON WERE EXAMINED AS TO LOCATION AND PURPOSE AND WERE NOT EXAMINED AS TO RESERVATIONS, RESTRICTIONS, CONDITIONS, OBLIGATIONS, TERMS, OR AS TO THE RIGHT TO GRANT THE SAME.
5. BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.
6. BURIED UTILITIES AND/OR PIPE LINES ARE SHOWN PER VISIBLE AND APPARENT SURFACE EVIDENCE, UTILITY LOCATES AND UTILITY MAPS. IF MORE ACCURATE LOCATIONS OF UNDERGROUND UTILITIES ARE REQUIRED, THE UTILITY WILL HAVE TO BE VERIFIED BY FIELD POT-HOLING. EDWARD-JAMES SURVEYING, INC., AND THE SURVEYOR OF RECORD SHALL NOT BE LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES.
7. THIS SITE HAS NO DESIGNATED PARKING SPACES
8. LAST FIELD INSPECTION WAS ON APRIL 16, 2023. ON THIS DATE THERE WAS SNOW ON THE GROUND. THERE MAY BE SOME ROADS, PATHS OR OTHER PHYSICAL FEATURES THAT MAY NOT HAVE BEEN VISIBLE.
9. THE LINEAL UNIT OF MEASURE IS THE U.S. SURVEY FOOT.
10. THERE WAS NO POSTED ADDRESS ON THE SURVEYED PROPERTY.



TITLE NOTES:

THIS ALTA SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY EDWARD-JAMES SURVEYING, INC. TO DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY, OR TITLE OF RECORD, EDWARD-JAMES SURVEYING, INC. RELIED UPON ORDER NO. SC55110178, BY LAND TITLE GUARANTEE COMPANY WITH AN EFFECTIVE DATE OF MARCH 13, 2023, TOGETHER WITH TITLE COMMITMENT ORDER NUMBER SC55110184, PREPARED BY LAND TITLE GUARANTEE COMPANY WITH AN EFFECTIVE DATE OF MARCH 14, 2023 AT 5:00 P.M. THE NUMBERS IN OUR COMMENTS CORRESPOND TO THE NUMBERING SYSTEM USED IN SAID TITLE COMMITMENT.

SCHEDULE A

ITEM COMMENT

1. NOTED ABOVE.
- 2., 3., 4. EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS THESE ITEMS.
5. THE LEGAL DESCRIPTIONS ARE SHOWN HEREON TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

SCHEDULE B

ITEM COMMENT

1. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.
 2. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.
 3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.
 4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
 5. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE OF THE PROPOSED INSURED ACQUIRES OF RECORD FOR VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
 6. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS, EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS TAXES.
 7. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER. EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS MINERAL RIGHTS.
 8. EXISTING LEASES AND TENANCIES, IF ANY. EDWARD-JAMES SURVEYING DID NOT EXAMINE OR ADDRESS LEASES OR TENANCIES.
- (TITLE ORDER NUMBER SC55110184)
9. NOTWITHSTANDING THE INSURING CLAUSES OF THE POLICY, THE COMPANY DOES NOT INSURE AGAINST LOSS OR DAMAGE BY REASON OF A LACK OF A RIGHT OF ACCESS TO AND FROM THE LAND.
 10. ANY INTEREST WHICH MAY HAVE BEEN ACQUIRED BY THE PUBLIC IN AND TO THE 30 FEET OF SUBJECT PROPERTY ADJACENT TO SECTION LINES BY REASON OF A RESOLUTION OF BOARD OF COUNTY COMMISSIONERS DATED AND RECORDED OCTOBER 3, 1887 IN ROAD BOOK A AT PAGE 78 WHICH PROVIDED FOR PUBLIC ROADS 60 FEET IN WIDTH BEING 30 FEET ON EITHER SIDE OF SECTION LINES ON THE PUBLIC DOMAIN.
 11. RIGHTS AND RESERVATIONS AS CONTAINED IN PATENTS OF THE UNITED STATES RECORDED DECEMBER 06, 1889 UNDER CERTIFICATE NO. 2231 AND MARCH 4, 1891 UNDER CERTIFICATE NO. 5202 AND SEPTEMBER 27, 1892 UNDER CERTIFICATE NO. 2819. THE REFERENCED DOCUMENTS ARE STORED IN OUR SYSTEM AS IMAGE 58425616.
 12. THE EFFECT OF INCLUSION OF THE SUBJECT PROPERTY IN THE KIOWA SOIL CONSERVATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED DECEMBER 12, 1946, IN BOOK 957 AT PAGE 346. INCLUDES SURVEYED SITE.
 13. RESERVATION OF GAS, OIL AND MINERALS AND COVENANTS IN CONNECTION THEREWITH IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, OR A SEVERANCE OF MINERALS EVIDENCED THEREBY, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN, (AFFECTS PARCEL B), EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS GAS, OIL OR MINERAL RIGHTS.
 14. RIGHT OF WAY EASEMENT AS GRANTED TO COLORADO INTERSTATE GAS COMPANY IN INSTRUMENT RECORDED NOVEMBER 19, 1971, IN BOOK 2450 AT PAGE 586. INCLUDES ALL COUNTY PUBLIC ROADS, HIGHWAYS, STREETS AND ALLEYS OF UNINCORPORATED MUNICIPALITIES, AND RIGHTS OF WAY THEREFOR IN EL PASO COUNTY, COLORADO. DOES NOT CONTAIN A SPECIFIC LOCATION.
 15. THE EFFECT OF RESOLUTION NO. 00-260, REGARDING ZONING, RECORDED AUGUST 16, 2000, UNDER RECEPTION NO. 200097484 AND RECORDED SEPTEMBER 12, 2000 UNDER RECEPTION NO. 200109261. EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS ZONING.

NOTE: THE COMMITMENT DOES NOT REFLECT THE STATUS OF TITLE TO WATER RIGHTS OR REPRESENTATION OF SAID RIGHTS. NOTE: THIS COMMITMENT IS NOT A REPORT OR REPRESENTATION AS TO MINERAL INTERESTS, AND SHOULD NOT BE USED, OR RELIED UPON, IN CONNECTION WITH THE NOTICE REQUIREMENTS THAT ARE SET FORTH IN CRS 24-65-103.

SCHEDULE B (CONTINUED)

ITEM COMMENT

(TITLE ORDER NUMBER SC55110178)

9. ANY INTEREST WHICH MAY HAVE BEEN ACQUIRED BY THE PUBLIC IN AND TO SUBJECT PROPERTY BY REASON OF RESOLUTION OF BOARD OF COUNTY COMMISSIONERS DATED AND RECORDED OCTOBER 3, 1887, IN ROAD BOOK A AT PAGE 78 WHICH PROVIDED FOR PUBLIC ROADS 60 FEET IN WIDTH BEING 30 FEET ON EITHER SIDE OF SECTION LINES ON THE PUBLIC DOMAIN.
10. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENTS. SAID PATENTS ARE STORED IN OUR SYSTEM AS IMAGE 58431393 AND IMAGE 58431575. EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS MINERAL RIGHTS.
11. THE EFFECT OF INCLUSION OF SUBJECT PROPERTY IN THE KIOWA SOIL CONSERVATION DISTRICT AS EVIDENCED BY INSTRUMENT, RECORDED DECEMBER 12, 1946, IN BOOK 957 AT PAGE 346. INCLUDES SURVEYED SITE.
12. RIGHT OF WAY EASEMENT AS GRANTED TO COLORADO INTERSTATE GAS COMPANY IN INSTRUMENT RECORDED NOVEMBER 19, 1971, IN BOOK 2450 AT PAGE 586. INCLUDES ALL COUNTY PUBLIC ROADS, HIGHWAYS, STREETS AND ALLEYS OF UNINCORPORATED MUNICIPALITIES, AND RIGHTS OF WAY THEREFOR IN EL PASO COUNTY, COLORADO. DOES NOT CONTAIN A SPECIFIC LOCATION.
13. LEASE IN FAVOR OF HUGH LANY BENNETT AS EVIDENCED IN INSTRUMENT RECORDED AUGUST 12, 1983 IN BOOK 3767 AT PAGE 52. EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS LEASES.
14. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN GRANT OF RIGHT OF WAY RECORDED JUNE 11, 1992 IN BOOK 5991 AT PAGE 720. APPROXIMATE LOCATION SHOWN HEREON.
15. THE EFFECT OF RESOLUTION NO. 00-260, RECORDED AUGUST 16, 2000, UNDER RECEPTION NO. 200097484 AND RECORDED SEPTEMBER 12, 2000 UNDER RECEPTION NO. 200109261. EDWARD-JAMES SURVEYING, INC. DID NOT EXAMINE OR ADDRESS ZONING.

NOTE:A: THIS COMMITMENT IS NOT A REPORT OR REPRESENTATION AS TO MINERAL INTERESTS, AND SHOULD NOT BE USED, OR RELIED UPON, IN CONNECTION WITH THE NOTICE REQUIREMENTS THAT ARE SET FORTH IN CRS 24-65-103.

NOTE:B: THE COMMITMENT DOES NOT REFLECT THE STATUS OF TITLE TO WATER RIGHTS OR REPRESENTATION OF SAID RIGHTS.

AREAS OF CONCERN (A.O.C.#):

1. FENCES LIE INSIDE/OUTSIDE RECORD TITLE LINE AS SHOWN HEREON.
2. DIRT ROADS LINE INSIDE/OUTSIDE RECORD TITLE LINES AS SHOWN HEREON.
3. ENCROACHMENTS ALONG THE SOUTHERLY BOUNDARY LINE AS SHOWN HEREON.
4. UTILITY POLES AND OVERHEAD ELECTRIC LINES ON THE WESTERN BOUNDARY OF THE SURVEYED PROPERTY. EDWARD-JAMES SURVEYING, INC WAS NOT SUPPLIED WITH A DOCUMENT GRANTING RIGHT OR USE.

LIMITATION OF ACTIONS AGAINST LAND SURVEYORS:

ALL ACTIONS AGAINST ANY LAND SURVEYOR BROUGHT TO RECOVER DAMAGES RESULTING FROM ANY ALLEGED NEGLIGENT OR DEFECTIVE LAND SURVEY SHALL BE BROUGHT WITHIN THREE YEARS AFTER THE PERSON BRINGING THE ACTION EITHER DISCOVERED OR IN THE EXERCISE OF REASONABLE DILIGENCE AND CONCERN SHOULD HAVE DISCOVERED THE NEGLIGENCE OR DEFECT WHICH GAVE RISE TO SUCH ACTION, AND NOT THEREAFTER, BUT IN NO CASE SHALL SUCH AN ACTION BE BROUGHT MORE THAN TEN YEARS AFTER THE COMPLETION OF THE SURVEY UPON WHICH SUCH ACTION IS BASED.

SURVEYOR'S STATEMENT:

PROTERRA PROPERTIES LLC, LIMITED LIABILITY COMPANY AND LAND TITLE GUARANTEE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1., 2., 4., 7.(a), 7.(b)(1), 8., AND 9. OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED APRIL 16, 2023.

THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY EDWARD-JAMES SURVEYING, INC. WHICH INCLUDE: DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY WITH THAT OF ADJACENT TRACTS AND VERIFY EASEMENTS OF RECORD.



JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 31196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

MONUMENTED SURVEY PLAT DEPOSITING CERTIFICATE:

DEPOSITED THIS ____ DAY OF _____, 202__ A.D., AT ____ O'CLOCK ____ M., IN BOOK _____ OF LAND SURVEY PLATS AT PAGE _____, DEPOSIT NO. _____, RECORDS OF EL PASO COUNTY, COLORADO.

SIGNED: _____

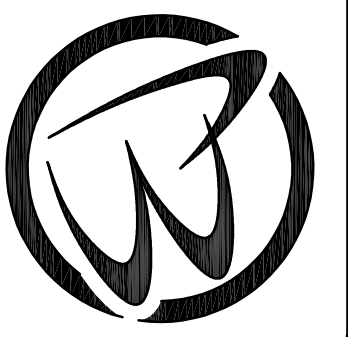
TITLE: _____

BY: _____

NO.	REVISIONS	DESCRIPTION	DATE

EDWARD-JAMES SURVEYING, INC.
926 Elkton Drive
Colorado Springs, CO 80907
Office: (719) 576-1216
Fax: (719) 576-1206

4732 Eagleledge Circle
Pueblo, CO 81008
Office: (719) 545-6240
Fax: (719) 545-6247



ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND PORTION OF SECTION 27
TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

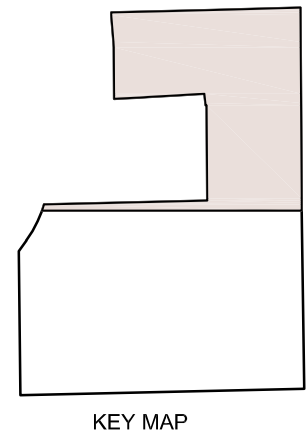
DRAWN BY **SKG**
CHECKED BY **JWT**

H-SCALE **N/A**

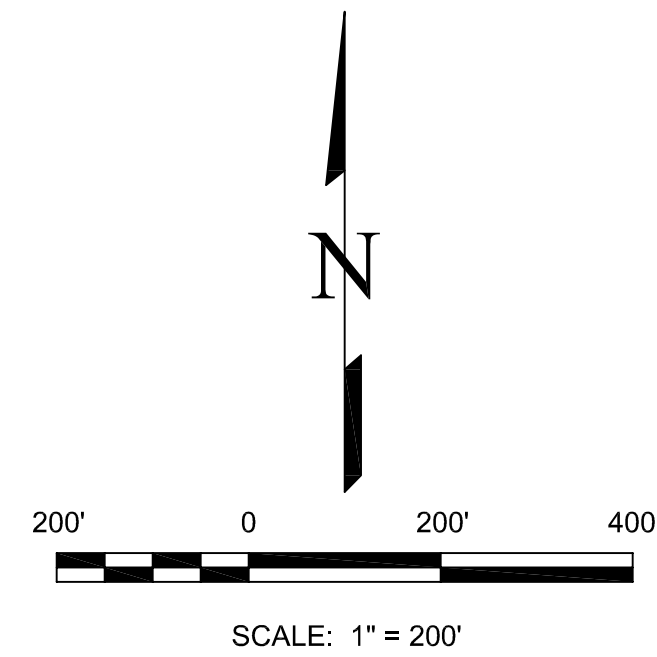
JOB NO.	2422-00
DATE CREATED	03/24/23
DATE ISSUED	08/24/23
SHEET NO	1 OF 2

ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

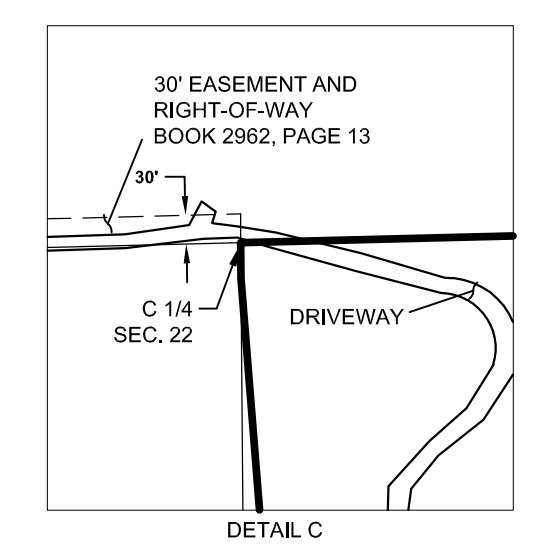
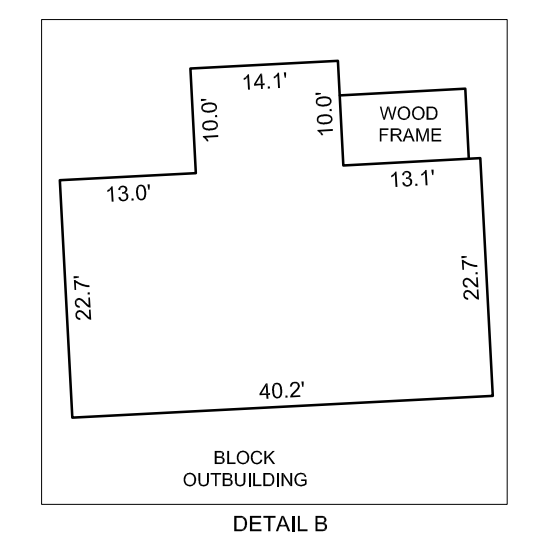
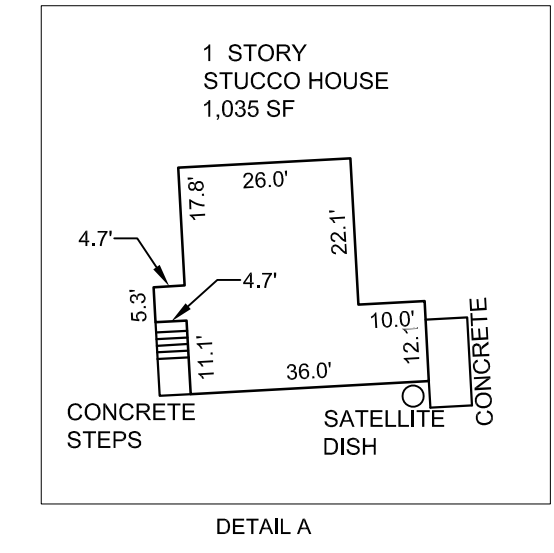
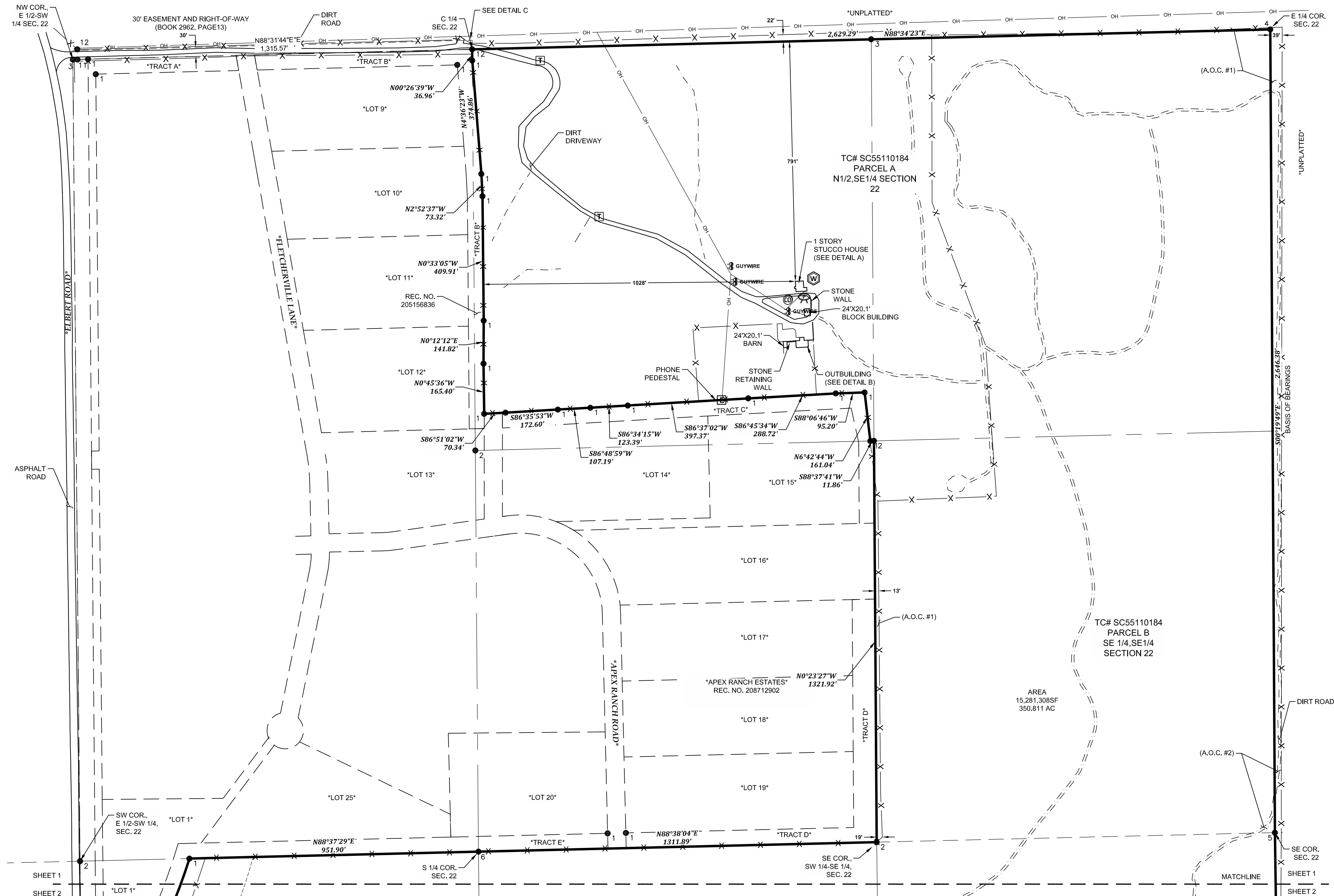


KEY MAP



LEGEND:

- 1 FOUND NO. 5 REBAR AND ORANGE PLASTIC CAP STAMPED "CLSI PLS 32439" AT GROUND LEVEL
 - 2 FOUND 2.5" ALUMINUM CAP STAMPED "CLSI PLS 30127"
 - 3 FOUND 2.5" ALUMINUM CAP STAMPED "PLS 30127"
 - 4 FOUND 2.5" ALUMINUM CAP STAMPED "PLS 27605"
 - 5 FOUND 2.5" ALUMINUM CAP STAMPED "PLS 28658"
 - 6 FOUND 3.5" ALUMINUM CAP STAMPED "PLS 14611"
 - 7 FOUND NO. 4 REBAR AND YELLOW PLASTIC CAP STAMPED "K&W 3854"
 - 8 FOUND NO. 4 REBAR AND YELLOW PLASTIC CAP-ILLEGIBLE
 - 9 FOUND NO. 4 REBAR
 - 10 FOUND NO. 5 REBAR
 - 11 FOUND NO. 5 REBAR AND YELLOW PLASTIC CAP-ILLEGIBLE
 - 12 FOUND 2.5 ALUMINUM CAP STAMPED "PLS 30127"
 - 13 SET NO. 5 REBAR AND YELLOW PLASTIC CAP STAMPED "EDWARD-JAMES PLS 33196"
- ADJACENT PROPERTY LOT LINE
 - PROPERTY BOUNDARY LINE
 - - - EASEMENT LINE
 - OH OVERHEAD ELECTRIC LINE
 - x-x FENCE LINE
 - - - DIRT ROAD/TRAIL
 - UTILITY POLE
 - ⊕ GUY ANCHOR/WIRE
 - T TELEPHONE PEDESTAL
 - E ELECTRIC METER/BOX
 - ⊗ PROPANE TANK
 - ⊙ CLEAN OUT
 - ⊕ WELL PIPE
 - ⊙ SIGN
 - AREA NOT PART OF THIS SURVEY



NO.	REVISIONS	DESCRIPTION	DATE

EDWARD-JAMES SURVEYING, INC.
 926 Elkton Drive
 Colorado Springs, CO 80907
 Office: (719) 576-1216
 Fax: (719) 576-1206

4732 Eagleledge Circle
 Pueblo, CO 81008
 Office: (719) 545-6240
 Fax: (719) 545-6247



ALTA/NSPS LAND TITLE SURVEY

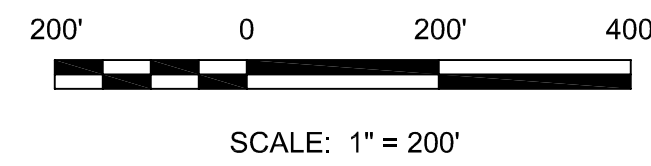
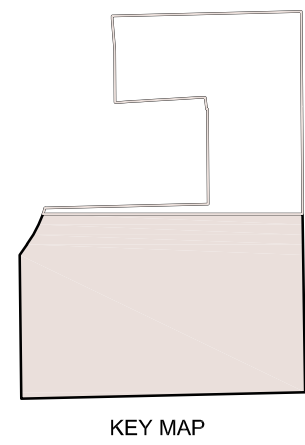
A PORTION OF SECTION 22 AND PORTION OF SECTION 27
 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.
 COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY	SKG
CHECKED BY	JWT
H-SCALE	1" = 200'
JOB NO.	2422-00
DATE CREATED	03/24/23
DATE ISSUED	08/24/23
SHEET NO	1 OF 2

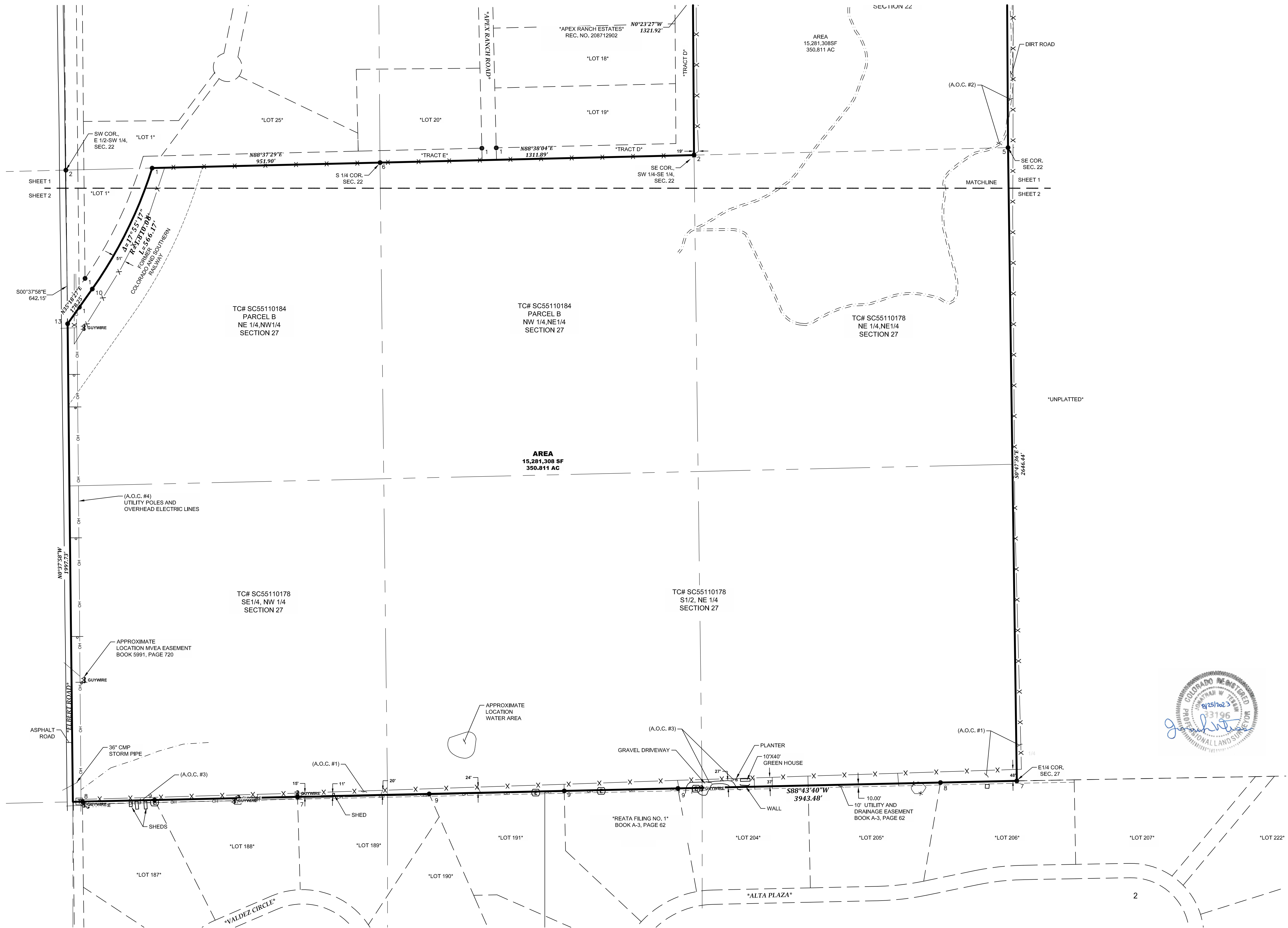


ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



- LEGEND:**
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 - P PROPANE TANK
 - ⊙ CLEAN OUT
 - W WELL PIPE
 - SIGN
 - AREA NOT PART OF THIS SURVEY



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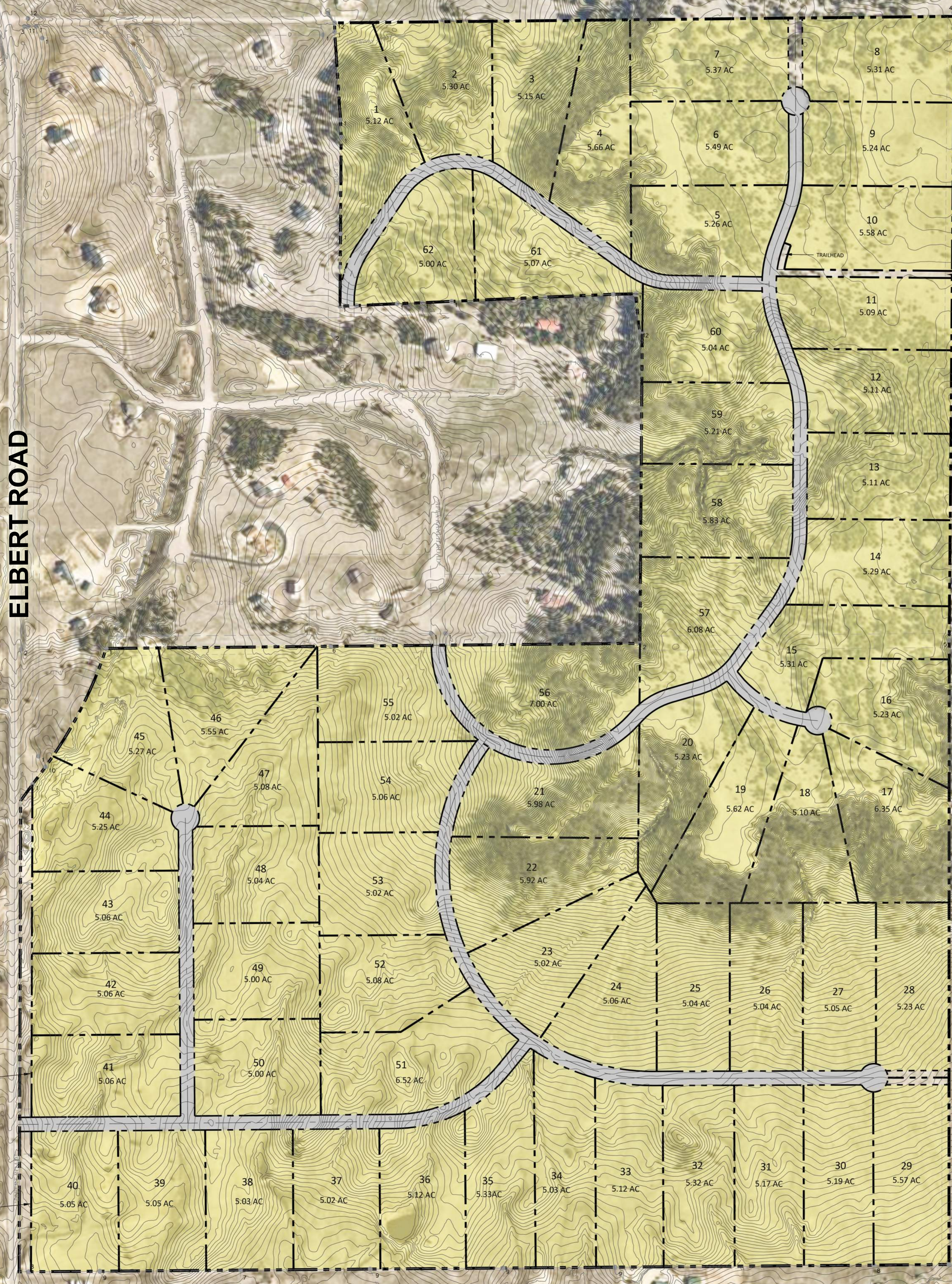
ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND PORTION OF SECTION 27
 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.
 COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY	SKG
CHECKED BY	JWT
H-SCALE	1" = 200'
JOB NO.	2422-00
DATE CREATED	03/24/23
DATE ISSUED	08/24/23
SHEET NO	3 OF 2

ELBERT ROAD

HOMESTEAD RANCH REGIONAL PARK



Appendix B

WATER SUPPLY INFORMATION SUMMARY

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		<u>Overlook Subdivision</u>	
2. LAND USE ACTION		<u>Subdivision</u>	
3. NAME OF EXISTING PARCEL AS RECORDED		<u>Elbert Rd</u>	
SUBDIVISION	<u>See Above</u>	FILING	<u>N/A</u>
BLOCK	<u>N/A</u>	Lot	<u>N/A</u>
4. TOTAL ACERAGE	<u>350.811</u>	5. NUMBER OF LOTS PROPOSED	<u>62</u>
PLAT MAPS ENCLOSED			
6. PARCEL HISTORY - Please attach copies of deeds, plats, or other evidence or documentation. (In submittal package)			
A. Was parcel recorded with county prior to June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
B. Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, describe the previous action			
7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner. (In submittal)			
A Portion of Section 22 and a Portion of Section 27, Township 11 S <input type="checkbox"/> N S RANGE <u>64</u> <input type="checkbox"/> E <input checked="" type="checkbox"/> W			
PRINCIPAL MERIDIAN: <input checked="" type="checkbox"/> 6TH <input type="checkbox"/> N.M. <input type="checkbox"/> UTE <input type="checkbox"/> COSTILLA			
8. PLAT - Location of all wells on property must be plotted and permit numbers provided.			
Surveyors plat <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		If not, scaled hand-drawn sketch <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Foot per Year		10. WATER SUPPLY SOURCE	
HOUSEHOLD USE # ¹	<u>62</u> of units <u>0.260</u> AF/SFE/YR <u>16.120</u> AF	<input type="checkbox"/> EXISTING <input type="checkbox"/> DEVELOPED	<input checked="" type="checkbox"/> NEW WELLS
COMMERCIAL USE #	<u>0</u> SF <u>-</u> GPD <u>-</u> AF	WELLS SPRING	Proposed Aquifers - (Check One)
IRRIGATION ²	<u>0.0566</u> AF/1000SF <u>10,849</u> GPD <u>12.152</u> AF	WELL PERMIT NUMBERS	<input type="checkbox"/> Alluvial <input type="checkbox"/> Upper Arapahoe
ANIMAL WATERING ³	<u>248</u> Horses <u>0.011</u> AF/Horse/Year <u>2.728</u> AF	<u>1157064-A (to be cancelled)</u>	<input checked="" type="checkbox"/> Upper Dawson <input type="checkbox"/> Lower Arapahoe
TOTAL	<u>27,675</u> GPD <u>31.00</u> AF*	<input type="checkbox"/> MUNICIPAL	<input type="checkbox"/> Lower Dawson <input type="checkbox"/> Laramie Fox
		<input type="checkbox"/> ASSOCIATION	<input type="checkbox"/> Denver <input type="checkbox"/> Dakota
		<input type="checkbox"/> COMPANY	<input type="checkbox"/> Other
		<input type="checkbox"/> DISTRICT	WATER COURT DECREE CASE NUMBERS
		NAME: <u>N/A</u>	<u>Decree 4638-BD</u>
		LETTER OF COMMITMENT FOR	<u>Decree 4638-RP</u>
		SERVICE - N/A <input type="checkbox"/> YES <input type="checkbox"/> N	
11. ENGINEER'S WATER SUPPLY REPORT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If yes, please forward with this form. (This may be required before our review is completed)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
<input checked="" type="checkbox"/> SEPTIC TANK/LEACH FIELD		<input type="checkbox"/> CENTRAL SYSTEM - DISTRICT NAME:	
<input type="checkbox"/> LAGOON		<input type="checkbox"/> VAULT - LOCATION SEWAGE HAULED	
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design)		<input type="checkbox"/> OTHER:	

¹ Per Section 8.4.7(B)(7)(d) of the EPC-LDC for general residential use

² Assuming 3,463 ft² of irrigatable land per lot @ 0.0566AF/year/1,000 ft²

³ Assuming 4 large animals per lot @ 0.011 AF/year/animal

Appendix C

Existing Well Permit

FORM NO. GWS-10 10/89

STATE OF COLORADO OFFICE OF THE STATE ENGINEER

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

For Office Use only

RECEIVED

MAY 25 '90

WATER PERMIT 199 STATE ENGINEER 0010

FOR INSTRUCTIONS, SEE REVERSE SIDE

STATEMENT OF BENEFICIAL USE

WELL PERMIT NUMBER 900E-118

1. WELL OWNER

NAME(S) William Dooley 157064A
Mailing Address 1615 Broadway
City, St. Zip Larned Ks 67550
Phone (316) 285-6676 ex 4913

2. WELL LOCATION: COUNTY EL PASO OWNER'S WELL DESIGNATION

(Address) (City) (State) (Zip)
NW 1/4 of the SE 1/4, Sec. 22 Twp. 11 N. or S., Range 64 E. or W. 6 P.M.
Distances from Section Lines 2265 Ft. from N. or S. Line, 1350 Ft. from E. or W. Line.

3. The well is being used for the following purpose(s): Domestic & Livestock

4. Water from the well was first used beneficially for the above purpose(s) on 4-24-1990

5. The pumping rate claimed is 3 gallons per minute.

6. The average annual amount of water diverted is 1 acre feet.

7. The land area irrigated (watered) by water from this well is: 1/4 Acres or Square feet, described as: NW 1/4 SE 1/4 Sec 22 Twp 11 S Rg 64 W 6

8. Well drilled by: Harnacher Well Works Lic. No: 71 Pump installed by: 11 11 11 Lic. No: 11

9. Meter Mfg. by Serial No.: Date Installed:

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

10. Name/Title (Please type or print) Signature Date
William C. Dooley 5/18/90

FOR OFFICE USE ONLY

State Engineer By Date
Court Case No. Div. Co. WD Basin MD Use

CP

#312439B

RECEIVED

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818
Denver, Colorado 80203

MAY 0 1990

WATER RESOURCES
STATE ENGINEER
C.O.O.

THIS FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

WELL COMPLETION AND PUMP INSTALLATION REPORT
PERMIT NUMBER ~~90VE-118~~ 157064-A

WELL OWNER William Dooley NW 11 $\frac{1}{4}$ of the SE 22 $\frac{1}{4}$ of Sec.
ADDRESS 1615 Broadway T. 11 S. R. 64 W. 6th P.M.
Larned, Kansas 67550
DATE COMPLETED April 20, 19 90

HOLE DIAMETER
7 7/8 in. from 0 to 21 ft.
6 1/2 in. from 21 to 395 ft.
_____ in. from _____ to _____ ft.

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	1	TopSoil	
1	16	Sand & Clay	
16	25	Clay	
25	66	Sand & Gravel	
66	78	Clay	
78	118	Sand	
118	142	Blue Clay	
142	265	Sand & Clay Layers	
265	275	Clay	
275	283	Sand	
283	290	Clay	
290	385	Sand & Clay layers	
385	395	Shale	
		TOTAL DEPTH <u>395</u>	

DRILLING METHOD Rotary
CASING RECORD: Plain Casing
Size 6 5/8 & kind Steel from 0 to 21 ft.
Size 4" & kind PVC from 0 to 215 ft.
235 255
Size _____ & kind _____ from 275 to 295 ft.
315 335
355 375
Perforated Casing
Size 4 & kind PVC from 215 to 235 ft.
Size _____ & kind _____ from 255 to 275 ft.
295 315
Size _____ & kind _____ from 335 to 355 ft.
375 395
GROUTING RECORD
Material Cemented
Intervals 105-215
Placement Method Poured
GRAVEL PACK: Size 1/4" Minus
Interval 215-395
TEST DATA
Date Tested April 20, 19 90
Static Water Level Prior to Test 210 ft.
Type of Test Pump Bailed
Length of Test 4 hours
Sustained Yield (Metered) 3
Final Pumping Water Level Bottom

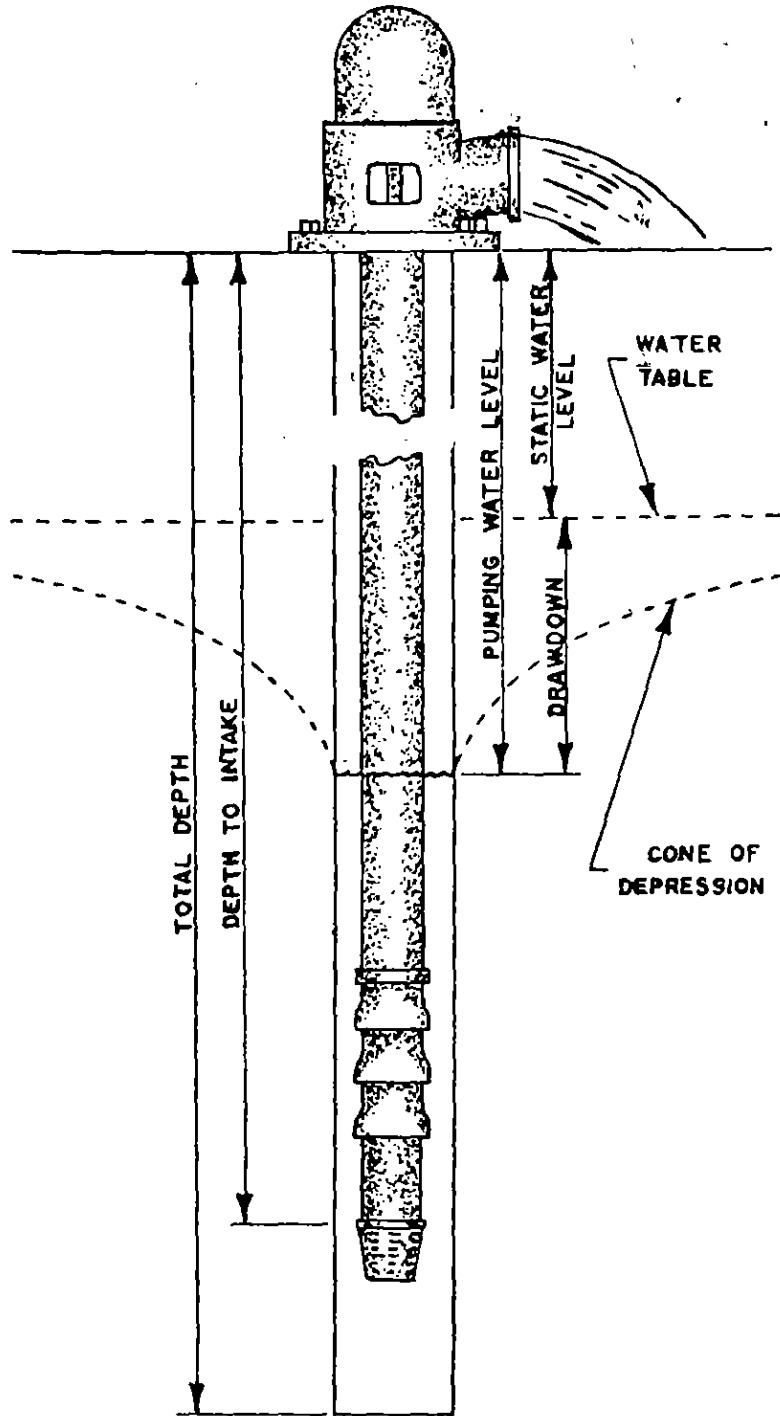
Use additional pages necessary to complete log.

PUMP INSTALLATION REPORT

Pump Make Grundfos
 Type Sub
 Powered by Electric HP 3/4
 Pump Serial No. 89081232
 Motor Serial No. 5S07-18
 Date Installed April 24 1990
 Pump Intake Depth 382
 Remarks _____

WELL TEST DATA WITH PERMANENT PUMP

Date Tested April 24 1990
 Static Water Level Prior to Test 210
 Length of Test 2 Hours
 Sustained yield (Metered) 3 GPM
 Pumping Water Level 380
 Remarks _____



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature J.R. Hamacher License No. 71

State of Colorado, County of _____ SS

Subscribed and sworn to before me this _____ day of _____, 19 _____.

My Commission expires: _____, 19 _____.

Notary Public _____

FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

Approved Decrees

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

DETERMINATION NO.: 4635-BD

AQUIFER: Laramie-Fox Hills

APPLICANT: PT Overlook, LLC

In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Laramie-Fox Hills Aquifer.

FINDINGS

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Laramie-Fox Hills aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated August 24, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 10,800 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
 - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 15 percent.
 - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 205 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 10,800 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 10,800 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 108 acre-feet per year.
 - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

ORDER

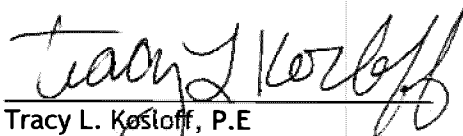
In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Laramie-Fox Hills Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

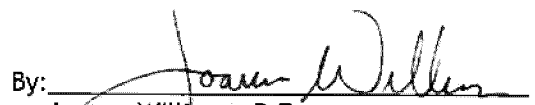
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 10,800 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).

19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
- a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 10,800 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
 - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
 - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
 - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
 - e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
 - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
 - g. The wells must be located on the above described 350.811 acres of Overlying Land.
 - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- i. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer.
 - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
 - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 29th day of January, 2024.

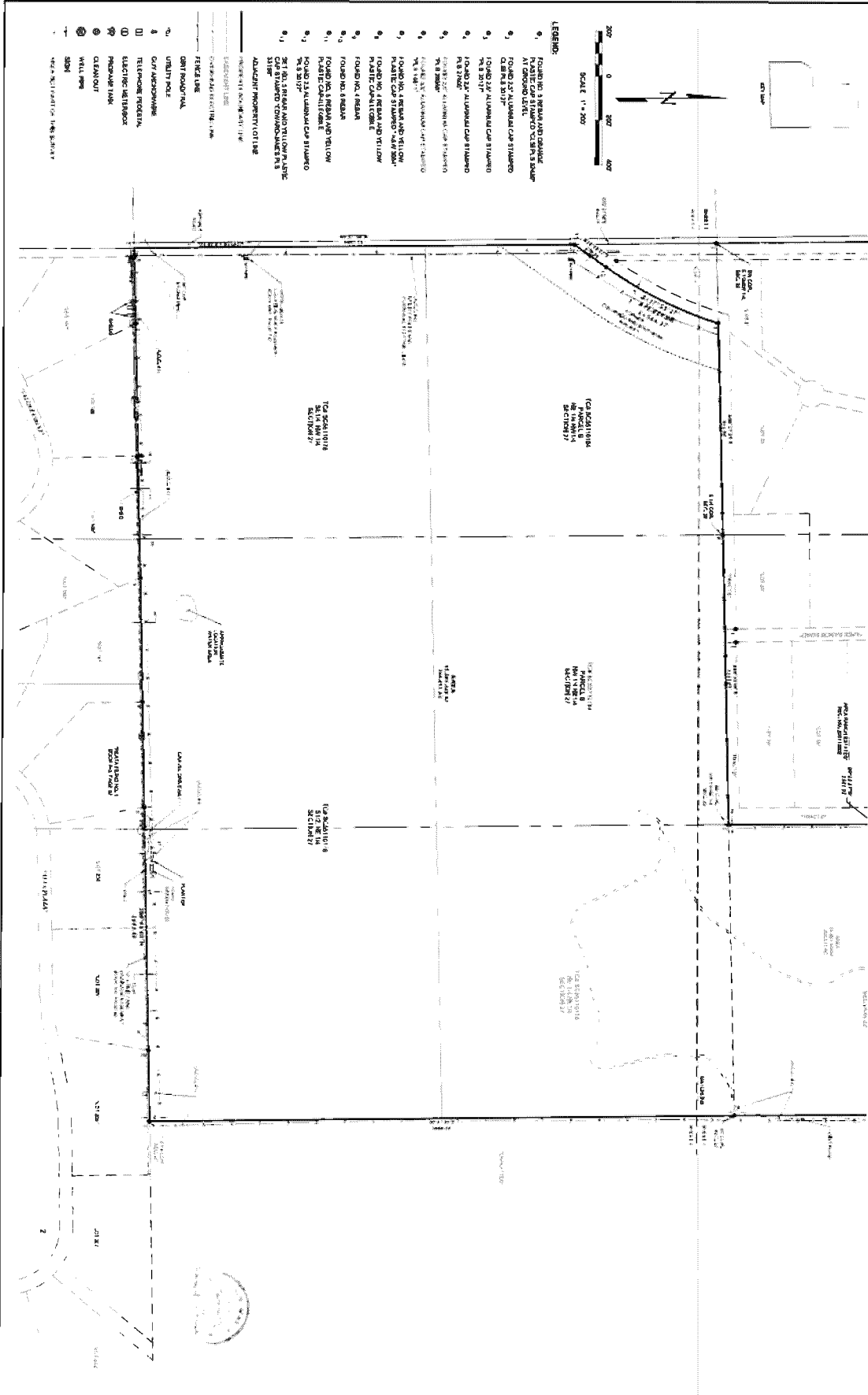

Tracy L. Kostoff, P.E.
Acting Executive Director
Colorado Ground Water Commission

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

Prepared by: wad
F&O4635-BD.doc

ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



ALTA/NSPS LAND TITLE SURVEY A PORTION OF SECTION 22 AND PORTION OF SECTION 27 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO	 EDWARD-JAMES SURVEYING, INC. 526 Elkton Drive Colorado Springs, CO 80907 Office: (719) 576-1216 Fax: (719) 576-1206	4732 Legleridge Circle Pueblo, CO 81008 Office: (719) 545-6340 Fax: (719) 545-6247	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="font-size: small;">NO.</th> <th style="font-size: small;">REVISIONS</th> <th style="font-size: small;">DESCRIPTION</th> <th style="font-size: small;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DESCRIPTION	DATE																
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**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

DETERMINATION NO.: 4636-BD

AQUIFER: Arapahoe

APPLICANT: PT Overlook, LLC

In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Arapahoe Aquifer.

FINDINGS

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Arapahoe aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated August 24, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 12,500 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
 - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
 - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 210 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 12,500 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 12,500 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 125 acre-feet per year.
 - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

ORDER

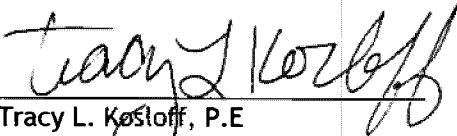
In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Arapahoe Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

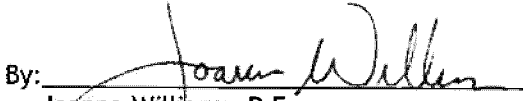
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 12,500 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).

19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
- a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 12,500 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
 - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
 - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
 - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
 - e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
 - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
 - g. The wells must be located on the above described 350.811 acres of Overlying Land.
 - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- i. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.
 - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
 - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 29th day of January, 2024.


Tracy L. Kosloff, P.E.
Acting Executive Director
Colorado Ground Water Commission

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

Prepared by: wad
F&O4636-BD.doc

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

Exhibit A
 Determination no. 4636-BD
 Page 1 of 4

RCVD DWR
 11/15/2023

NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.

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

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

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

1. APPLICANT INFORMATION			
Name of Applicant PT Overlook, LLC			
Mailing Address 1864 Woodmoor Dr # 100	City Monument	State Colorado	Zip Code 80132
Telephone Number (include area code) (719) 476-0800		Email abiggs@proterraco.com / wjt@cowaterlaw.com	
2. AQUIFER Arapahoe			
3. CLAIM OF OWNERSHIP – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located. Number of acres: <u>350.811</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description). <u>See attached</u>			
- I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.			
Signature: <u>W. James Tilton</u>		Date: <u>8/24/2023</u>	
Print name and title: <u>W. James Tilton, Attorney</u>			

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

DETERMINATION NO.: 4637-BD

AQUIFER: Denver

APPLICANT: PT Overlook, LLC

In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Denver Aquifer.

FINDINGS

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Denver aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated August 24, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 17,900 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
 - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
 - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 300 feet.
8. A review of the records in the Office of the State Engineer has disclosed that none of the groundwater in the Aquifer underlying the Overlying Land has been either previously determined to be allocated by the Commission, has been permitted for withdrawal by large capacity wells that have rights that were initiated prior to November 19, 1973 that are subject to section 37-90-107(7)(b), or has been permitted for withdrawal by existing small capacity wells withdrawing water under permits issued pursuant to section 37-90-105, C.R.S. The amount of designated groundwater in the Aquifer underlying the Overlying Land that is available for allocation in this Determination is 17,900 acre-feet.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 17,900 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 179 acre-feet per year.
 - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will not, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is nontributary groundwater as defined in Rule 4.2.22 of the Designated Basin Rules. Pursuant to the Rules, no more than 98% of the amount of the groundwater in the Aquifer underlying the Overlying Land withdrawn annually shall be consumed.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

ORDER

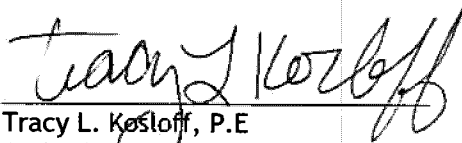
In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Denver Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

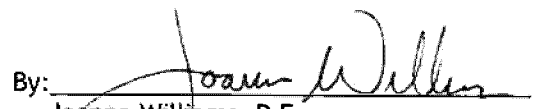
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 17,900 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).

19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
- a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 17,900 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
 - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
 - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
 - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
 - e. No more than 98% of the amount of Underlying Groundwater withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the Underlying Groundwater withdrawn annually is being consumed.
 - f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
 - g. The wells must be located on the above described 350.811 acres of Overlying Land.
 - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.

- i. The wells must be constructed to withdraw water from only the Denver Aquifer.
 - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
 - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
21. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 29th day of January, 2024.

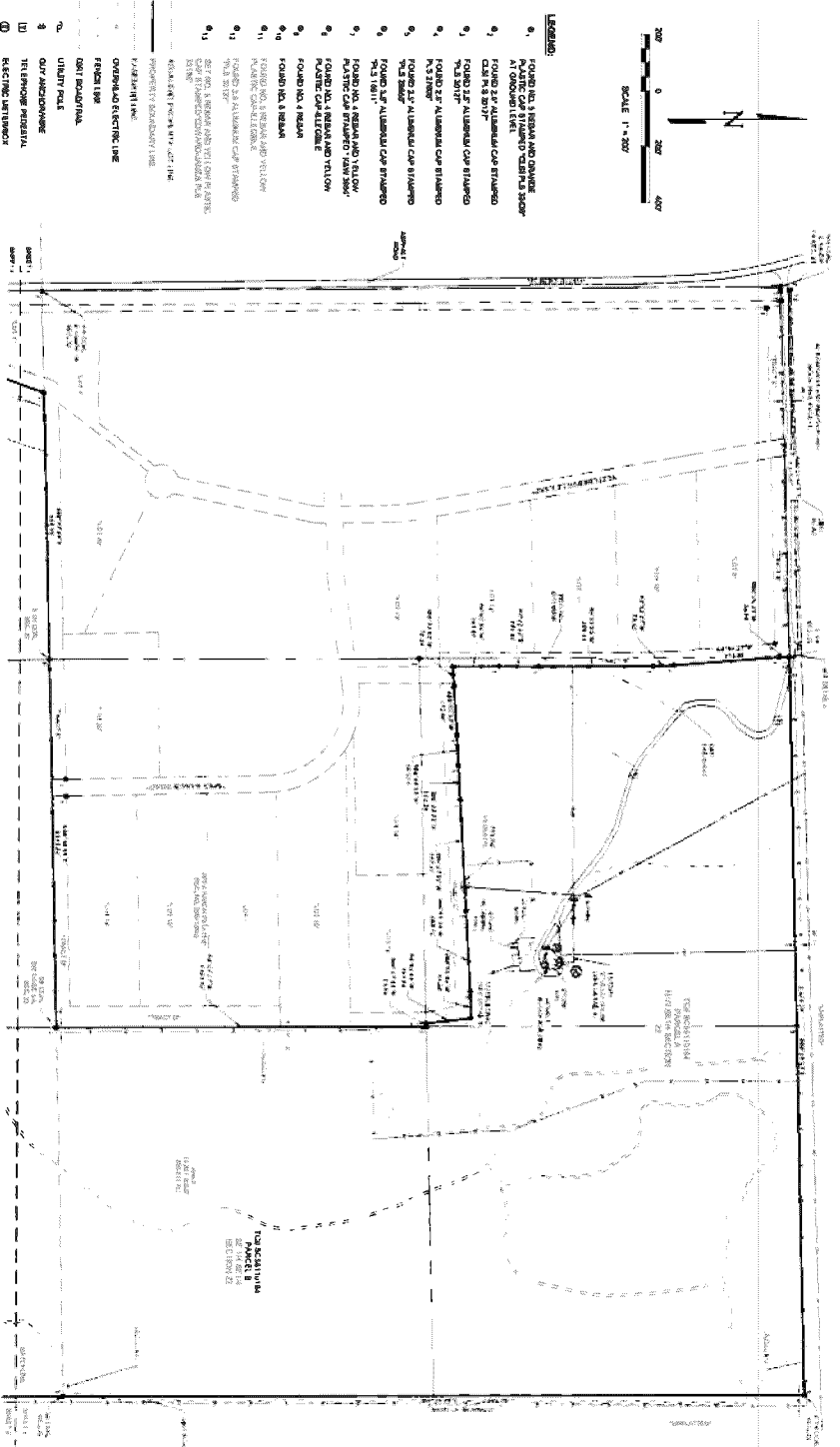

Tracy L. Kosloff, P.E.
Acting Executive Director
Colorado Ground Water Commission

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

Prepared by: wad
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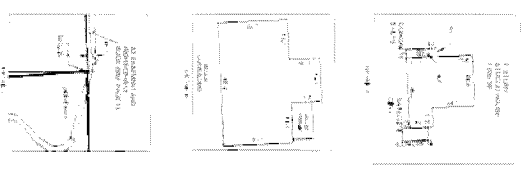
ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 22 AND A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH,
 RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



LEGEND

- 1. ROAD NO. 1 RESERVATION AND CHANGE AT ORIGINAL LEVEL
- 2. ROAD 27 ALUMINUM CAP STAMPED CONCRETE
- 3. ROAD 27 ALUMINUM CAP STAMPED CONCRETE
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- 100. ROAD 27 ALUMINUM CAP STAMPED CONCRETE



ALTA/NSPS LAND TITLE SURVEY A PORTION OF SECTION 22 AND PORTION OF SECTION 27 TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO	 EDWARD-JAMES SURVEYING, INC. 926 Ellison Drive Colorado Springs, CO 80907 Office: (719) 576-1236 Fax: (719) 576-1206	4782 EagleVillage Circle Pueblo, CO 81008 Office: (719) 545-6240 Fax: (719) 545-6247																				
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**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF GROUNDWATER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

DETERMINATION NO.: 4638-BD

AQUIFER: Dawson

APPLICANT: PT Overlook, LLC

In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, PT Overlook, LLC (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Dawson Aquifer.

FINDINGS

1. The application was received by the Commission on August 25, 2023.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Dawson aquifer (Aquifer) underlying 350.811 acres, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated October 27, 2023, attached hereto as Exhibit A, the Applicant owns the 350.811 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 350.811 acres of Overlying Land.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 350.811 acres of Overlying Land claimed by the Applicant is 24,600 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
 - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 20 percent.
 - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 350 feet.
8. A review of the records in the Office of the State Engineer has disclosed that a well operating pursuant to section 37-90-105, C.R.S., (i.e. a small-capacity well), permit no. 157064-A, is located on the Overlying Land and is permitted to withdraw 1 acre-foot per year of groundwater from the Aquifer from beneath the Overlying Land. The applicant has indicated that permit no. 157064-A will be canceled and the well re-permitted to operate pursuant to this Determination. The amount of water considered to have been historically withdrawn from the aquifer by this well is 82 acre-feet. In applying Rule 5.3.2.5 of the Designated Basin Rules to computing the amount of water available for allocation in this Determination, the amount of groundwater in the Aquifer underlying the Overlying Land available for allocation in this Determination is reduced by 82 acre-feet to 24,518 acre-feet. Except for that well, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the Aquifer underlying the Overlying Land.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 24,518 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 245.18 acre-feet per year.
 - b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits

issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).

- c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or an alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is considered to be not-nontributary groundwater as defined in Rule 4.2.23 of the Designated Basin Rules. Withdrawal of water from the Aquifer underlying the Overlying Land would impact the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to section 37-90-107.5, C.R.S., and Rule 5.6 of the Designated Basin Rules, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators, is required prior to approval of well permits for wells to be located on this land area to withdraw the groundwater in the Aquifer underlying the Overlying Land. Pursuant to the Rules the replacement plan shall provide for the depletion of the alluvial water for the first 100 years due to all previous pumping, and if pumping continues beyond 100 years shall replace actual impact until pumping ceases, assuming water table conditions in the Aquifer.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On November 27, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the Upper Black Squirrel Creek Ground Water Management District. Written recommendations from the District were received on January 2, 2024.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.

ORDER

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Dawson Aquifer underlying 350.811 acres of land, generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section

27, all in Township 11 South, Range 64 West of the 6th P.M., further described in Exhibit A, subject to the following conditions.

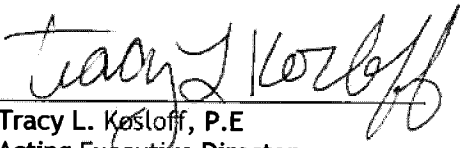
16. The amount (i.e. volume) of water in the Aquifer underlying the 350.811 acres of Overlying Land allocated herein is 24,518 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
 - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 24,518 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
 - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
 - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
 - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
 - e. Commission approval of a replacement plan, that provides for the replacement of the actual depletion to the alluvial aquifer and is adequate to prevent any material injury to existing water rights of other appropriators in the alluvial aquifer, is required prior to approval of well permits that allow the withdrawal of the Underlying Groundwater. The replacement plan shall provide for the depletion of the alluvial water for the first 100 years due to all previous pumping, and if pumping continues beyond 100 years shall replace actual impact until pumping ceases, assuming water table conditions in the Aquifer.

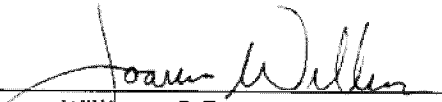
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The place of use and place of storage of the Underlying Groundwater shall be limited to the above described 350.811 acres of Overlying Land. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
 - g. The wells must be located on the above described 350.811 acres of Overlying Land.
 - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
 - i. The wells must be constructed to withdraw water from only the Dawson Aquifer.
 - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
 - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. Existing well permit no. 157064-A must be canceled and a new permit issued for that well to operate pursuant to this Determination.
 21. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 350.811 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.
 22. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Determination No.: 4638-BD
Aquifer: Dawson
Applicant: PT Overlook, LLC

Page 6

Dated this 29th day of January, 2024.


Tracy L. Kosloff, P.E.
Acting Executive Director
Colorado Ground Water Commission

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

Prepared by: wad
F&O4638.-BD.doc

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

Exhibit A
 Determination no. 4638-BD
 Page 1 of 4

RCVD DWR
 11/15/2023

NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.

- 1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR
- 2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.

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

1. APPLICANT INFORMATION			
Name of Applicant PT Overlook, LLC			
Mailing Address 1864 Woodmoor Dr # 100	City Monument	State Colorado	Zip Code 80132
Telephone Number (include area code) (719) 476-0800		Email abiggs@proterra.com / wjt@cowaterlaw.com	
2. AQUIFER Dawson			
3. CLAIM OF OWNERSHIP – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located. Number of acres: <u>350.811</u> in the county of: <u>El Paso</u> described as follows (type the legal description below or type "see attached" and attach a legal description). See attached			
- I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.			
Signature: <u>W. James Tilton</u>		Date: <u>10/27/2023</u>	
Print name and title: <u>W. James Tilton, Attorney</u>			

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR REPLACEMENT PLAN TO ALLOW THE WITHDRAWAL OF GROUNDWATER FROM THE DAWSON AQUIFER IN THE UPPER BLACK SQUIRREL CREEK AND KIOWA BIJOU DESIGNATED GROUNDWATER BASINS

REPLACEMENT PLAN NO. 4638-RP

FOR DETERMINATION OF WATER RIGHT NO. 4638-BD

AQUIFER: DAWSON

APPLICANT: PT OVERLOOK LLC

In compliance with section 37-90-107.5, C.R.S. and the Designated Basin Rules, 2 CCR 410-1 (Rules or Rule), PT Overlook LLC (Applicant) submitted an application for a replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer that has been allocated by Determination of Water Right No. 4638-BD.

FINDINGS

1. Pursuant to section 37-90-107(7), C.R.S., in a Findings and Order dated January 29, 2024, the Ground Water Commission (Commission) approved a Determination of a Right to an Allocation of Groundwater, No. 4638-BD, from the Dawson Aquifer (Aquifer), summarized as follows.
 - a. The determination quantified an amount of water from beneath 350.811 acres of overlying land generally described as part of the SE 1/4 of Section 22, the NE 1/4 of Section 27, the SE 1/4 of the NW 1/4 of Section 27, and part of the NE 1/4 of the NW 1/4 of Section 27, all in Township 11 South, Range 64 West of the 6th P.M., in El Paso County (Overlying Land).
 - b. The amount of water in the aquifer that was allocated was 24,518 acre-feet, and the allowed average annual amount of groundwater to be withdrawn from the aquifer was limited to 245.18 acre-feet per year (subject to adjustment by the Commission to conform to actual local aquifer characteristics).
 - c. The use of groundwater is limited to the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage.
 - d. Withdrawal of the subject groundwater will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, the groundwater is considered to be not-nontributary, and Commission approval of a replacement plan providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers is required prior to approval of well permits for wells to withdraw the subject groundwater.
2. The subject water is Designated Groundwater located within the boundaries of the Upper Black Squirrel Creek and Kiowa Bijou Designated Groundwater Basins and Upper Black Squirrel Creek Ground Water Management District. The Commission has jurisdiction over

the withdrawal of the water by large capacity wells that are permitted pursuant to section 37-90-107(7).

3. Withdrawal of the subject groundwater would deplete the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin, all of which, according to Rules 5.2.4.2, 5.2.7.2 and 5.2.6.2, respectively, have been determined to be over appropriated. Such depletion would unreasonably impair existing large capacity alluvial rights withdrawing water from those alluvial aquifers.
4. Pursuant to Rule 5.6.1.A this plan must be adequate to prevent any material injury to water rights of other appropriators, which for purposes of this plan means large capacity wells withdrawing water from the alluvial aquifer of the Kiowa-Bijou Designated Groundwater Basin, the alluvial aquifer of the Upper Big Sandy Designated Groundwater Basin and the alluvial aquifer of the Upper Black Squirrel Creek Designated Groundwater Basin.
5. Pursuant to Rule 5.3.6.2(C) the amount of replacement water shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping and if pumping continues beyond 100 years, shall replace actual impact until pumping ceases.
6. The application for the replacement plan was received by the Commission on August 25, 2023.
7. The Applicant proposes to divert 31 acre-feet annually from the Dawson Aquifer for a period of 300 years. The Dawson aquifer water will be withdrawn through 62 individual wells to be located on 62 residential lots. Each Dawson Aquifer well is proposed to divert 0.5 acre-foot of water annually for domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The land on which the wells will be located is the Overlying Land described above.
8. At a continuous withdrawal of 31 acre-feet annually for 300 years, depletions to the alluvial aquifer systems of the Kiowa-Bijou Designated Groundwater Basin, Upper Big Sandy Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Basin would steadily increase to 1.44 acre-feet per year in the 300th year, which is equal to 4.63% of pumping, as shown in Exhibit A.
9. The Applicant proposes to provide 11.16 acre-feet per year of replacement water to the alluvial aquifer systems of the Upper Black Squirrel Creek Designated Groundwater Basin and Kiowa Bijou Designated Groundwater Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use of the groundwater to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes. Assuming each lot uses a minimum annual amount for in-house use of 0.20 acre-foot, the return flow per lot would be 0.18 acre-feet annually, and the return flows under the plan will total 11.16 acre-feet per year for all 62 lots at full build out.
10. The subject property is located within the drainages of Kiowa Bijou and Black Squirrel Creek, and the return flows will flow to the alluvial aquifers of the Kiowa Bijou Designated Groundwater Basin and Upper Black Squirrel Creek Designated Groundwater Bains. The Applicant proposes to aggregate all replacements to the drainage in which the well or

wells will operate, in accordance with Guideline 2007-1.

11. Pursuant to Rule 5.6.1.B this plan must be adequate to prevent unreasonable impairment of water quality. Pursuant to Rule 5.6.1.B.1.b, if the replacement source water is from an onsite wastewater treatment system permitted by a local health agency and the applicant demonstrates the source is in compliance with that permit there shall be a rebuttable presumption of no unreasonable impairment of water quality.
12. Pursuant to Rule 5.6.1.C this plan, including the proposed uses of the water withdrawn pursuant to the plan, must not be speculative, and must be technically and financially feasible and within the Applicant's ability to complete. The plan, including the proposed uses of the water withdrawn pursuant to the plan, is not speculative. The plan appears technically and financially feasible and within the Applicant's ability to complete.
13. Pursuant to Rule 5.6.1.D this plan must be able to be operated and administered on an ongoing and reliable basis. The plan appears to be able to be operated and administered on an ongoing and reliable basis.
14. Pursuant to Rule 5.6.1.F replacement source water must be physically and legally available in time, place and amount to prevent material injury. As determined in Determination of Water Right No. 4638-BD water is currently available in the amounts and for the number of years proposed to be diverted.
15. Pursuant to Rule 5.6.1.G the replacement source water must be legally available for use. Records in this office indicate that the Applicant controls the water right to be used as the source of replacement water, consisting of Determination of Water Right No. 4638-BD, and such water is legally available for use pursuant to this plan.
16. In accordance with Rule 5.6.4 the application was referred to the Upper Black Squirrel Creek Ground Water Management District on November 27, 2023. Written recommendations from the District were received on January 2, 2024.
17. In accordance with sections 37-90-107.5 and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on December 7, 2023 and December 14, 2023. No objections to the application were received within the time limit set by statute.
18. According to Rule 5.6.1:
 - a. The Applicant has the burden of proving the adequacy of the plan in all respects.
 - b. If the applicant meets its burden of proof, the Commission shall grant approval of the plan which shall include any terms and conditions established by the Commission.
19. The Commission Staff, having evaluated the application pursuant to section 37-90-107.5 and the requirements of Rule 5.3.6.2(C) and Rule 5.6, finds that the requirements have been met, and the plan may be approved to allow diversions from the Dawson Aquifer if operated subject to the conditions given below.

ORDER

In accordance with section 37-90-107.5, and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for a replacement plan to allow the withdrawal of

groundwater from the Dawson Aquifer underlying 350.811 acres that are the subject of Determination of Water Right no. 4638-BD is approved subject to the following conditions:

20. The Dawson Aquifer water will be withdrawn through 62 wells to be located on 62 residential lots. Each Dawson Aquifer well is proposed to divert 0.5 acre-foot of water annually for domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The land on which the wells will be located is the Overlying Land described above.
21. The allowed annual amount of groundwater to be withdrawn from the Aquifer by all wells operating under this plan shall not exceed 31 acre-feet. The allowed annual amount of water to be withdrawn from each on-lot well shall not exceed 0.5 acre-foot.
22. A totalizing flow meter shall be installed on each well. The well owner shall maintain the meter in good working order.
23. Permanent records of all withdrawals of groundwater from each well shall be recorded at least annually by the well owners, permanently maintained, and provided to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15th of the following year, or more often upon request.
24. Pumping under this plan is limited to a period of 300 years. The year of first use of this replacement plan shall be the calendar year of construction of a well permitted pursuant to this plan or permitting of an existing well pursuant to the plan.
25. Return flows from in-house use of groundwater shall occur through on-lot non-evaporative septic systems located within the 350.811 acres of Overlying Land that are the subject of Determination of Water Right No. 4638-BD. The septic systems must be constructed and operated in compliance with a permit issued by a local health agency.
26. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A. Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5-year increment.
27. The Applicant or their successor(s) are responsible for ensuring that replacement water is provided to the alluvial aquifer as required by this plan. The annual replacement requirement and the annual amount of replacement water provided shall be calculated and reported on a form acceptable to the Commission. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.
28. The Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer.
29. To assure adequate return flows, the number of wells serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system must be equal to or greater than the number of wells shown in Table 1, or an amended or alternate

replacement plan must be obtained that will replace actual depletions to the alluvial aquifer so as to prevent any material injury to water rights of other appropriators.

Table 1

Year	No. of Single-Family Dwellings	Return Flows (af/yr)
0-14	0	0
15-60	1	0.18
61-95	2	0.36
96-130	3	0.54
131-160	4	0.72
161-195	5	0.90
196-230	6	1.08
231-265	7	1.26
266-300	8	1.44

30. The Applicant (or their successors) must gather and maintain permanent records of all information pertaining to operation of this plan, which shall include, but is not limited to those items identified below. The Applicant must submit records to the Commission and the Upper Black Squirrel Creek Ground Water Management District on forms acceptable to the Commission, on an annual basis for the previous calendar year, by February 15th of the following year, or more often upon request. The Applicant or their successor(s) must provide combined accounting for all wells operated under this replacement plan on a single accounting form, unless otherwise approved by the Commission.
 - a. Identification of all well permits issued and wells constructed under this plan.
 - b. The amount of water diverted by each well and all wells in total, both annually and cumulatively since operation of the plan began.
 - c. The number of occupied single family dwellings served by each well.
 - d. The return flows occurring from use of all wells operating under the plan, assuming 0.18 acre-feet per year per occupied single family dwelling (90% of the water used for in-house purposes) enters the alluvial aquifer as replacement water.
 - e. Any other information the Commission deems relevant and necessary to operation, monitoring, accounting, or administration of the plan.

31. The Applicant (or their successors) are fully responsible for the operation, monitoring, and accounting of the replacement plan. In the event a lot with a well permitted or operating pursuant to this plan is sold, identification of the well that was sold and evidence that the new owner has been notified of their responsibilities under the replacement plan shall accompany that year's accounting.

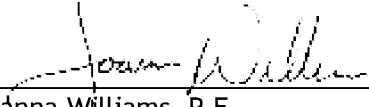
32. Any covenants adopted for this subdivision should contain a description of the replacement plan, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be reported and the plan is to be administered.

33. In the event the permitted well or wells are not operated in accordance with the conditions of this replacement plan, they shall be subject to administration, including orders to cease diverting groundwater.
34. All terms and conditions of Determination of Water Right No. 4638-BD must be met.
35. Pursuant to Rule 5.6.1.E, a copy of this Findings and Order shall be recorded by the Applicant in the clerk and recorder's records of El Paso County, so that a title examination of the land on which the structures involved in this plan are located reveals the existence of this plan.

Dated this 29th day of January, 2024.



Tracy L. Kosloff, P.E.
Acting Executive Director
Colorado Ground Water Commission

By: 

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

Exhibit A
Replacement Plan - Determination No.: 4638-BD
Page 1 of 1

Designated Basin Summary Table for PT Overlook LLC Pumping Rate of 31 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Sec. 22 & 27, T11S, R64W, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
5	31.0	0.00	0.00	155	31.0	0.68	2.20
10	31.0	0.00	0.02	160	31.0	0.71	2.29
15	31.0	0.01	0.04	165	31.0	0.74	2.38
20	31.0	0.02	0.07	170	31.0	0.76	2.47
25	31.0	0.03	0.10	175	31.0	0.79	2.55
30	31.0	0.05	0.15	180	31.0	0.82	2.64
35	31.0	0.06	0.20	185	31.0	0.84	2.72
40	31.0	0.08	0.26	190	31.0	0.87	2.81
45	31.0	0.10	0.33	195	31.0	0.90	2.90
50	31.0	0.12	0.40	200	31.0	0.93	2.98
55	31.0	0.15	0.47	205	31.0	0.95	3.07
60	31.0	0.17	0.55	210	31.0	0.98	3.16
65	31.0	0.19	0.63	215	31.0	1.00	3.24
70	31.0	0.22	0.71	220	31.0	1.03	3.33
75	31.0	0.25	0.79	225	31.0	1.06	3.41
80	31.0	0.27	0.88	230	31.0	1.08	3.49
85	31.0	0.30	0.96	235	31.0	1.11	3.58
90	31.0	0.33	1.05	240	31.0	1.14	3.66
95	31.0	0.35	1.14	245	31.0	1.16	3.74
100	31.0	0.38	1.22	250	31.0	1.19	3.83
105	31.0	0.41	1.31	255	31.0	1.21	3.91
110	31.0	0.43	1.40	260	31.0	1.24	3.99
115	31.0	0.46	1.49	265	31.0	1.26	4.07
120	31.0	0.49	1.58	270	31.0	1.29	4.15
125	31.0	0.52	1.67	275	31.0	1.31	4.24
130	31.0	0.54	1.76	280	31.0	1.34	4.32
135	31.0	0.57	1.85	285	31.0	1.36	4.40
140	31.0	0.60	1.93	290	31.0	1.39	4.48
145	31.0	0.63	2.02	295	31.0	1.41	4.56
150	31.0	0.65	2.11	300	31.0	1.44	4.63

Created by Wenli Dickinson on September 19, 2023

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

Appendix D

***El Paso County Land Development Code
Water Quality Requirements and Results
Dawson Confined Aquifer
For Overlook at Homestead
Sampled June 13, 2023***

Compound	Units	MCL/SMCL	Result
Antimony	mg/l	0.006	0
Arsenic	mg/l	0.01	0
Barium	mg/l	2	0.0526
Beryllium	mg/l	0.004	0
Cadmium	mg/l	0.005	0
Chromium	mg/l	0.1	0
Cyanide (Total)	mg/l	0	0
Fluoride	mg/l	4	0.31
Mercury	mg/l	0.002	0
Nitrate as N	mg/l	10	0.09
Nitrite as N	mg/l	1	0
Selenium	mg/l	0.05	0
Thallium	mg/l	0.002	0
Aluminum	mg/l	0.05	0.018
Chloride	mg/l	250	1.9
Langelier Index			-0.22
Iron	mg/l	0.3	0.018
Manganese	mg/l	0.05	0.001
pH		6.5 - 8.5	7.62
Silver	mg/l	0.1	0
Sulfate	mg/l	250	12.7
TDS	mg/l	500	106
Zinc	mg/l	5	0.017
Gross Alpha/Beta	pCi/l	15	6.4
Combined Radium 226+228	pCi/l	5	1.3
E.Coli	#/100 ml	Absent	Absent
Total Coliform	#/100 ml	Absent	Present
Total Coliform - El Paso Co.	#/100 ml	Absent	Present

Green = Result below MCL - Acceptable Water Quality

Analytical Results

TASK NO: 230613048

Report To: Doug Schwenke
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Bill To: Accounts Payable
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Task No.: 230613048 Client PO: Client Project: Overlook	Date Received: 6/13/23 Date Reported: 7/25/23 Matrix: Water - Drinking
--	---

Lab Number	Customer Sample ID	Sample Date/Time	Test	Result	Method	Date Analyzed
230613048-01A	Overlook #1	6/12/23 11:00 AM	Total Coliform	Present	SM 9223	6/14/23
			E-Coli	Absent	SM 9223	6/14/23

Abbreviations/ References:

Absent = Coliform Not Detected
 Present = Coliform Detected - Chlorination Recommended
 Date Analyzed = Date Test Completed
 SM = "Standard Methods for the Examination of Water and Wastewater"; APHA; 19th Edition; 1995



DATA APPROVED FOR RELEASE BY

Drinking Water Chain of Custody



Commerce City Lab
10411 Heinz Way
Commerce City CO 80640

Lakewood Service Center
12860 W. Cedar Dr, Suite 100A
Lakewood CO 80228

Phone: 303-659-2313

www.coloradolab.com

Report To Information		Project Information	
Company Name: <u>RESPEC</u>	Company Name: _____	PWSID: <u>N/A</u>	
Contact Name: <u>Doug Schwente</u>	Contact Name: _____	System Name: _____	
Address: <u>5540 Tech Center Ste 100</u>	Address: _____	Compliance Samples: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City: <u>CS</u> State: <u>CO</u> Zip: <u>80119</u>	City: _____ State: _____ Zip: _____	Send Results to CDPHE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Phone: <u>719-227-0072</u>	Phone: _____	Task Number	CAL Task
Email: <u>douglas.schwente@respec.com</u>	Email: _____	(Lab Use Only)	230613048
Sample Collector: <u>Stephanie Schwente</u>			JAK
Sample Collector Phone: <u>719-321-5341</u>	PO Number: _____		

PHASE I, II, V Drinking Water Analyses (check requested analysis)		Subcontract Analyses																																			
Date	Time	Client Sample ID / Sample Pt ID	No. of Containers	Residual Chlorine (mg/L) P/A Samples Only	Total Coliform P/A	504.1 EDB/DBCP	505 Pests/PCBs	515.4 Herbicides	524.2 VOCs	525.2 SOCs-Pest	531.1 Carbamates	547 Glyphosate	548.1 Endothall	549.2 Diquat	524.2 TTHMs	552.2 HAAs	Lead/Copper	Nitrate	Nitrite	Fluoride	Inorganics	Alk/Lang. Index (Circle)	TOC, DOC (Circle)	SUVA, UV 254 (Circle)	Total Cyanide	Gross Alpha/Beta	Radium 226/228	Radon	Uranium	Chlorite							
6/17/23	11 am	#1			X														X	X	X	X			X	X											
Instructions:		Total cyanide is in a plain bottle but labeled total cyanide. Rebecca and I talked.		C/S Info:		Seals Present Yes <input type="checkbox"/> No <input type="checkbox"/>		Headspace Yes <input type="checkbox"/> No <input type="checkbox"/>		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:			
Relinquished By: <u>Stephanie Schwente</u>		Received By: <u>AR LONES</u>		Delivered Via: <u>UPS</u>		C/S Charge <input checked="" type="checkbox"/>		Temp: <u>7</u> °C / Ice <input checked="" type="checkbox"/>		Sample Pres. Yes <input type="checkbox"/> No <input type="checkbox"/>		Received By:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:			
6/17/23 12:30pm		6/18/23 1140		Relinquished By:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:		Date/Time:			

→ Please analyze for all Page 2 of 3 constituents listed on WORD doc.

EPC Confined Aquifer Sampling Requirements

Field Measurements

pH
Temp

Radionuclides

Radium 226 and Radium 228
Gross alpha/Beta

Inorganics

Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Cyanide (Total)
Fluoride
Mercury
Nitrate
Nitrite
Selenium
Thallium

Secondary MCLs

Aluminum
Chloride
Corrosivity
Iron
Manganese
Silver
Sulfate
Zinc
TDS

Bacteriological:

Total Coliform

Analytical Results

TASK NO: 230613048

Report To: Doug Schwenke
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Bill To: Accounts Payable
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Task No.: 230613048
Client PO:
Client Project: Overlook

Date Received: 6/13/23
Date Reported: 7/25/23
Matrix: Water - Drinking

Customer Sample ID Overlook #1
Sample Date/Time: 6/12/23 11:00 AM
Lab Number: 230613048-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
Chloride	1.9 mg/L	EPA 300.0	0.1 mg/L		6/13/23	QC65693	NRP
Fluoride	0.31 mg/L	EPA 300.0	0.10 mg/L	4	6/13/23	QC65698	NRP
Nitrate Nitrogen	0.09 mg/L	EPA 300.0	0.05 mg/L	10	6/13/23	QC65694	NRP
Nitrite Nitrogen	ND mg/L	EPA 300.0	0.03 mg/L	1	6/13/23	QC65695	NRP
Sulfate	12.7 mg/L	EPA 300.0	0.1 mg/L		6/13/23	QC65697	NRP
Cyanide-Total	ND mg/L	EPA 335.4	0.005 mg/L	0.02	6/16/23	QC65772	DN
Total							
Iron	0.018 mg/L	EPA 200.7	0.005 mg/L	0.3	6/15/23	QC65737	MBN
Aluminum	0.018 mg/L	EPA 200.8	0.001 mg/L	0.05	6/15/23	QC65752	MBN
Antimony	ND mg/L	EPA 200.8	0.0012 mg/L	0.006	6/15/23	QC65752	MBN
Arsenic	ND mg/L	EPA 200.8	0.0006 mg/L	0.01	6/15/23	QC65752	MBN
Barium	0.0526 mg/L	EPA 200.8	0.0007 mg/L	2	6/15/23	QC65752	MBN
Beryllium	ND mg/L	EPA 200.8	0.0001 mg/L	0.004	6/15/23	QC65752	MBN
Cadmium	ND mg/L	EPA 200.8	0.0001 mg/L	0.005	6/15/23	QC65752	MBN
Chromium	ND mg/L	EPA 200.8	0.0015 mg/L	0.1	6/15/23	QC65752	MBN
Manganese	0.0010 mg/L	EPA 200.8	0.0008 mg/L	0.05	6/15/23	QC65752	MBN
Mercury	ND mg/L	EPA 200.8	0.0001 mg/L	0.002	6/15/23	QC65752	MBN
Selenium	ND mg/L	EPA 200.8	0.0008 mg/L	0.05	6/15/23	QC65752	MBN
Silver	ND mg/L	EPA 200.8	0.0005 mg/L	0.1	6/15/23	QC65752	MBN
Thallium	ND mg/L	EPA 200.8	0.0002 mg/L	0.002	6/15/23	QC65752	MBN
Zinc	0.017 mg/L	EPA 200.8	0.001 mg/L	5	6/15/23	QC65752	MBN

Abbreviations/References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
(s) The accuracy of the spike recovery value is reduced due to the analyte concentration in the sample being disproportionate to the spike level. The laboratory control sample recovery was acceptable

MCL = Maximum contaminant level per the EPA
ND = Not Detected at Reporting Limit.

Report To: Doug Schwenke
Company: RESPEC Company, LLC

Receive Date: 6/13/23
Project Name: Overlook

Test	QC Batch ID	QC Type	Result	Method	Prep Date
Chloride	QC65693	Blank	ND	EPA 300.0	6/13/23
Cyanide-Total	QC65772	Blank	ND	EPA 335.4	6/16/23
Fluoride	QC65698	Blank	ND	EPA 300.0	6/13/23
Aluminum	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Antimony	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Arsenic	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Barium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Beryllium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Cadmium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Chromium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Manganese	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Mercury	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Selenium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Silver	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Thallium	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Zinc	QC65752	Method Blank	ND	EPA 200.8	6/13/23
Iron	QC65737	Method Blank	ND	EPA 200.7	6/13/23
Nitrate Nitrogen	QC65694	Blank	ND	EPA 300.0	6/13/23
Nitrite Nitrogen	QC65695	Blank	ND	EPA 300.0	6/13/23
Sulfate	QC65697	Blank	ND	EPA 300.0	6/13/23

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Chloride	QC65693	Duplicate	0 - 20	-	0.6	EPA 300.0
		LCS	90 - 110	104.1	-	
		MS	75 - 125	100.6	-	
Cyanide-Total	QC65772	Duplicate	0 - 20	-	3.4	EPA 335.4
		LCS	90 - 110	90.9	-	
		MS	75 - 125	78.0	-	
Fluoride	QC65698	Duplicate	0 - 20	-	0.2	EPA 300.0
		LCS	90 - 110	99.2	-	
		MS	75 - 125	95.2	-	
Aluminum	QC65752	LCS	90 - 110	104.7	-	EPA 200.8
		MS	70 - 130	126.5	-	
		MSD	0 - 10	-	1.2	
Antimony	QC65752	LCS	90 - 110	101.4	-	EPA 200.8
		MS	70 - 130	102.9	-	
		MSD	0 - 10	-	1.1	
Arsenic	QC65752	LCS	90 - 110	97.7	-	EPA 200.8
		MS	70 - 130	103.7	-	
		MSD	0 - 10	-	6.6	
Barium	QC65752	LCS	90 - 110	96.6	-	EPA 200.8

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
 mg/L = Milligrams Per Liter or PPM
 ug/L = Micrograms Per Liter or PPB
 mpn/100 mls = Most Probable Number Index/ 100 mls
 Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
 (s) The accuracy of the spike recovery value is reduced due to the analyte concentration in the sample being disproportionate to the spike level. The laboratory control sample recovery was acceptable

MCL = Maximum contaminant level per the EPA
 ND = Not Detected at Reporting Limit.

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
		MS	70 - 130	105.7	-	
		MSD	0 - 10	-	0.1	
Beryllium	QC65752	LCS	90 - 110	96.0	-	EPA 200.8
		MS	70 - 130	111.5	-	
		MSD	0 - 10	-	2.2	
		MSD	0 - 10	-	2.2	
Cadmium	QC65752	LCS	90 - 110	97.0	-	EPA 200.8
		MS	70 - 130	104.5	-	
		MSD	0 - 10	-	0.5	
		MSD	0 - 10	-	0.5	
Chromium	QC65752	LCS	90 - 110	101.6	-	EPA 200.8
		MS	70 - 130	102.8	-	
		MSD	0 - 10	-	2.7	
		MSD	0 - 10	-	2.7	
Manganese	QC65752	LCS	90 - 110	102.4	-	EPA 200.8
		MS	70 - 130	105.5	-	
		MSD	0 - 10	-	1.1	
		MSD	0 - 10	-	1.1	
Mercury	QC65752	LCS	90 - 110	104.1	-	EPA 200.8
		MS	70 - 130	96.8	-	
		MSD	0 - 10	-	1.1	
		MSD	0 - 10	-	1.1	
Selenium	QC65752	LCS	90 - 110	102.0	-	EPA 200.8
		MS	70 - 130	112.0	-	
		MSD	0 - 10	-	4.7	
		MSD	0 - 10	-	4.7	
Silver	QC65752	LCS	90 - 110	90.1	-	EPA 200.8
		MS	70 - 130	83.9	-	
		MSD	0 - 10	-	0.9	
		MSD	0 - 10	-	0.9	
Thallium	QC65752	LCS	90 - 110	100.4	-	EPA 200.8
		MS	70 - 130	99.8	-	
		MSD	0 - 10	-	0.9	
		MSD	0 - 10	-	0.9	
Zinc	QC65752	LCS	90 - 110	100.1	-	EPA 200.8
		MS	70 - 130	98.7	-	
		MSD	0 - 10	-	0.7	
		MSD	0 - 10	-	0.7	
Iron	QC65737	Duplicate	0 - 20	-	10.0	EPA 200.7
		LCS	90 - 110	97.4	-	
		MS	75 - 125	83.1	-	
		MS	75 - 125	83.1	-	
Nitrate Nitrogen	QC65694	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	99.5	-	
		MS	75 - 125	93.6	-	
		MS	75 - 125	93.6	-	
Nitrite Nitrogen	QC65695	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	92.7	-	
		MS	75 - 125	92.1	-	
		MS	75 - 125	92.1	-	
Sulfate	QC65697	Duplicate	0 - 20	-	2.2	EPA 300.0
		LCS	90 - 110	103.8	-	
		MS	75 - 125	85.3	-	
		MS	75 - 125	85.3	-	

All analyses were performed in accordance with approved methods under the latest revision to 40 CFR Part 136 unless otherwise identified. Based on my inquiry of the person or persons directly responsible for analyzing the wastewater samples and generating the report (s), the analyses, report, and information submitted are, to the best of my knowledge and belief, true, accurate, and complete.



DATA APPROVED FOR RELEASE BY

Abbreviations/References:

RL = Reporting Limit = Minimum Level
 mg/L = Milligrams Per Liter or PPM
 ug/L = Micrograms Per Liter or PPB
 mpn/100 mls = Most Probable Number Index/ 100 mls
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(d) RPD acceptable due to low duplicate and sample concentrations.
 (s) The accuracy of the spike recovery value is reduced due to the analyte concentration in the sample being disproportionate to the spike level. The laboratory control sample recovery was acceptable

MCL = Maximum contaminant level per the EPA
 ND = Not Detected at Reporting Limit.

EPC Confined Aquifer Sampling Requirements

Field Measurements

pH

Temp

Radionuclides

Radium 226 and Radium 228

Gross alpha/Beta

Inorganics

Antimony

Arsenic

Barium

Beryllium

Cadmium

Chromium

Cyanide (Total)

Fluoride

Mercury

Nitrate

Nitrite

Selenium

Thallium

Secondary MCLs

Aluminum

Chloride

Corrosivity

Iron

Manganese

Silver

Sulfate

Zinc

TDS

Bacteriological:

Total Coliform

Analytical Results

TASK NO: 230613048

Report To: Doug Schwenke
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Bill To: Accounts Payable
Company: RESPEC Company, LLC
5540 Tech Center Drive
Suite 100
Colorado Springs CO 80919

Task No.: 230613048
Client PO:
Client Project: Overlook

Date Received: 6/13/23
Date Reported: 7/25/23
Matrix: Water - Drinking

Customer Sample ID Overlook #1
Sample Date/Time: 6/12/23 11:00 AM
Lab Number: 230613048-01

Test	Result	Method	RL	Date Analyzed	QC Batch ID	Analyzed By
Bicarbonate	63.5 mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	6/14/23	-	DN
Calcium as CaCO3	27.5 mg/L	EPA 200.7	0.1 mg/L	6/15/23	-	MBN
Carbonate	ND mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	6/14/23	-	DN
Hydroxide	ND mg/L as CaCO3	SM 2320-B	0.2 mg/L as CaCO3	6/14/23	-	DN
Langelier Index	-0.92 units	SM 2330-B	units	6/16/23	-	SAN
pH	7.62 units	SM 4500-H-B	0.01 units	6/13/23	-	TAB
Temperature	20 °C	SM 4500-H-B	1 °C	6/13/23	-	TAB
Total Alkalinity	63.5 mg/L as CaCO3	SM 2320-B	4.0 mg/L as CaCO3	6/14/23	QC65713	DN
Total Dissolved Solids	106 mg/L	SM 2540-C	5 mg/L	6/16/23	QC65744	NH

Abbreviations/ References:

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mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
(s) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

Analytical QC Summary

TASK NO: 230613048

Report To: Doug Schwenke
Company: RESPEC Company, LLC

Receive Date: 6/13/23
Project Name: Overlook

Test	QC Batch ID	QC Type	Result	Method	Prep Date
Total Alkalinity	QC65713	Blank	ND	SM 2320-B	6/15/23
Total Dissolved Solids	QC65744	Blank	ND	SM 2540-C	6/15/23

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Total Alkalinity	QC65713	Duplicate	0 - 20	-	0.8	SM 2320-B
		LCS	90 - 110	98.7	-	
		LCS-2	90 - 110	97.8	-	
Total Dissolved Solids	QC65744	Duplicate	0 - 20	-	0.3	SM 2540-C
		LCS	85 - 115	106.3	-	

All analyses were performed in accordance with approved methods under the latest revision to 40 CFR Part 136 unless otherwise identified. Based on my inquiry of the person or persons directly responsible for analyzing the wastewater samples and generating the report (s), the analyses, report, and information submitted are, to the best of my knowledge and belief, true, accurate, and complete.



DATA APPROVED FOR RELEASE BY

Abbreviations/References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

(d) RPD acceptable due to low duplicate and sample concentrations.
(s) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

EPC Confined Aquifer Sampling Requirements

Field Measurements

pH
Temp

Radionuclides

Radium 226 and Radium 228
Gross alpha/Beta

Inorganics

Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Cyanide (Total)
Fluoride
Mercury
Nitrate
Nitrite
Selenium
Thallium

Secondary MCLs

Aluminum
Chloride
Corrosivity
Iron
Manganese
Silver
Sulfate
Zinc
TDS

Bacteriological:

Total Coliform



Hazen Research, Inc.
4601 Indiana Street
Golden, CO 80403 USA
Tel: (303) 279-4501
Fax: (303) 278-1528

Lab Control ID: 23H02069
Received: Jun 14, 2023
Reported: Aug 08, 2023
Purchase Order No.
None Received

Customer ID: 05377Z
Account ID: Z01034

Rebecca Manzanares
Colorado Analytical Laboratories, Inc.
10411 Heinz Way
Commerce City, CO 80640

ANALYTICAL REPORT

*Report may only be copied in its entirety.
Results reported herein relate only to discrete samples
submitted by the client. Hazen Research, Inc. does not warrant
that the results are representative of anything other than the
samples that were received in the laboratory*

By: *Roxanne Sullivan*
Roxanne Sullivan
Analytical Laboratories Director

Customer ID: 05377Z
 Account ID: Z01034

ANALYTICAL REPORT

Rebecca Manzanaras
 Colorado Analytical Laboratories, Inc.

Lab Sample ID		23H02069-001						
Customer Sample ID		230613048-01D - Overlook - Overlook #1 sampled on 06/12/23 @ 1100						
Parameter	Units	Code	Result	Precision* +/-	Detection Limit	Method	Analysis Date / Time	Analyst
Gross Alpha	pCi/L	T	3.2	2.4	0.1	SM 7110 B	7/13/23 @ 0922	KT
Gross Beta	pCi/L	T	<3.2	2.5	3.2	SM 7110 B	7/13/23 @ 0922	KT

Lab Sample ID		23H02069-002						
Customer Sample ID		230613048-01E - Overlook - Overlook #1 sampled on 06/12/23 @ 1100						
Parameter	Units	Code	Result	Precision* +/-	Detection Limit	Method	Analysis Date / Time	Analyst
Radium-226	pCi/L	T	0.5	0.3	0.2	SM 7500-Ra B	7/17/23 @ 0950	KT
Radium-228	pCi/L	T	0.8	0.7	0.2	EPA pg.19	7/17/23 @ 0934	JR

Certification ID's: CO/EPA CO00008

*Variability of the radioactive decay process (counting error) at the 95% confidence level, 1.96 sigma.

Codes: (T) = Total (D) = Dissolved (S) = Suspended (R) = Replicate Sample (AR) = As Received < = Less Than

Batch QC Summary Form

Analyte: Gross Alpha

Control Standard/LFB: ID: C11a-004 pCi/mL: 57.4 (use 1 diluted)

Spike Solution: ID: C11a-004 pCi/mL: 57.4 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(63.1) - (1.000) - (0.0) - (0.200)}{57.4} \times 100 = 110\%$$

Batch QC Evaluation:

Parameter	Criteria	Pass	Fail	N/A
Control Std./LFB	+/- 30 %	x		
Spike Recovery	70 - 130 %	x		
Blank	< or = 3 x Uncertainty	x		
Duplicate 1	95% confidence interval overlap	x		
Duplicate 2 *	95% confidence interval overlap	x		

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

23H02049 _____
23H02068 _____
23H02069 _____
23H02079 _____
23H02080 _____
23H02136 _____
23H02158 _____
23H02017 _____

Evaluator:

Michelle Stringer _____

07/17/2023

Date

Batch QC Summary Form

Analyte: Gross Beta

Control Standard/LFB: ID: C11a-004 pCi/mL: 44 (use 1 diluted)

Spike Solution: ID: C11a-004 pCi/mL: 44 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(42.6) - (1.000) - (0.6)}{44} \times 100 = 97\%$$

Batch QC Evaluation:

Parameter	Criteria	Pass	Fail	N/A
Control Std./LFB	+/- 20 %	x		
Spike Recovery	80 - 120 %	x		
Blank	< or = 3 x Uncertainty	x		
Duplicate 1	95% confidence interval overlap	x		
Duplicate 2 *	95% confidence interval overlap	x		

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

23H02049 _____
23H02068 _____
23H02069 _____
23H02079 _____
23H02080 _____
23H02136 _____
23H02158 _____
23H02017 _____

Evaluator:

Michelle Stringer _____

07/17/2023

Date

Batch QC Summary Form

Analyte: Radium-226

Control Standard/LFB: ID: C73-001 pCi/mL: 21.1 (use 2 diluted)

Spike Solution: ID: C73-001 pCi/mL: 21.1 (use 2 mL)

Spike Recovery Calculation: Sample: 23H02036-03a

$$\text{Calculation: } \frac{(47.5) - (1.000) - (17.2) - (0.400)}{42.2} \times 100 = 96\%$$

Batch QC Evaluation:

Parameter	Criteria	Pass	Fail	N/A
Control Std./LFB	+/- 20 %	x		
Spike Recovery	80 - 120 %	x		
Blank	< or = 3 x Uncertainty	x		
Duplicate 1	95% confidence interval overlap	x		
Duplicate 2 *	95% confidence interval overlap			x

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

23H02026 _____
23H02027 _____
23H02036 _____
23H02069 _____

Evaluator:
 _____

07/20/2023

 Date

Batch QC Summary Form

Analyte: Radium-228

Control Standard/LFB: ID: C6-005 pCi/mL: 14.5 (use 5 diluted)

Spike Solution: ID: C6-005 pCi/mL: 14.5 (use 5 mL)

Spike Recovery Calculation: Sample: 23H02122-2b

$$\text{Calculation: } \frac{(74.1) - (0.960) - (0.8)}{72.5} \times 100 = 97.1\%$$

Batch QC Evaluation:

Parameter	Criteria	Pass	Fail	N/A
Control Std./LFB	+/- 20 %	x		
Spike Recovery	80 - 120 %	x		
Blank	< or = 3 x Uncertainty	x		
Duplicate 1	95% confidence interval overlap	x		
Duplicate 2 *	95% confidence interval overlap			x

* Required for batch size greater than 10 samples.

Conclusions:

 x Batch QC Passes**
 Batch QC Fails
 Batch QC Passes, with exceptions**:

Reruns Required: _____

Narrative:

**All QC data provided in this section of the report met the acceptance criteria specified in the analytical methods and procedures. State Maximum Contamination Levels (MCLs) are not evaluated in this report.

Batch Listing by Lab Control Number:

23H02122 _____
23H02069 _____
23H02082 _____
23H02050 _____

Evaluator:
 _____

_____ 08/07/2023
Date

STANDARD BACTERIOLOGICAL WATER TEST METHOD:SM-9223B

El Paso County Public Health Laboratory EPA ID# CO00025

1675 West Garden of the Gods Road, Suite 2044, Colorado Springs, CO 80907 - (719) 578-3120

PWSID

Sample Point ID: RTOR

Sample Taken Date: 08/10/2023 Time: 1439

Address where sample was taken: Overlook Property Peyton Colorado 80831

Sample site location: Other -Outdoor Spigot Collector Name: Christina Martin Chlorine: mg/L

Well City Recreational

Surface/Spring Cistern Wastewater

Results to: Christina Martin

Phone: (719) 402-0008

Mailing address: 5540 Tech Center Dr

City/State/Zip: Colorado Springs, CO 80919

Fax/Email: christina.martin@respec.com

Comments:

- Raw
- Finished
- LT2
- Quantitative

Date 08/10/2023 Time 1531 Rc'd 850

Date 08/10/2023 Time 1602 Tested 850

Date 08/11/2023 Time 1011 Comp 860

Lab Sample # 12556

Colilert Results Per 100ml

Absence: Absence of coliform bacteria

Presence: Presence of coliform bacteria & non-compliance with drinking water standards.

MPN/100 ml:

Absence: E. Coli: Escherichia coli bacteria

Presence: E. Coli: Escherichia coli bacteria

MPN/100 ml: