



EXTERNAL MEMORANDUM

To: Ed Morgan, PLA, ASLA
William Gunman & Associates, Ltd.

From: Thomas Kennedy, P.E.
RESPEC
720 South Colorado Blvd., Suite 410 S
Denver, CO 80246

Date: July 13, 2021 *Revised February 10, 2022*

Subject: Joyful View Subdivision - Water Resource Report

This water supply report is for the proposed Joyful View subdivision located within the Southwest Quarter of Section 13, Township 13 South, Range 63 West of the 6th Principal Meridian in El Paso County, Colorado, within the Upper Black Squirrel Creek Designated Ground Water Basin and within the jurisdiction of Upper Black Squirrel Creek Designated Groundwater Management District (see Figure 1). The 70.2-acre undeveloped land (Property) is proposed to be subdivided into 9 residential lots (see Figure 2), with lot sizes of 5.2, 5.4, 5.3, 5.1, 5.1, 5.4, 17.7, 5.1 and 11.8 acres, respectively.

This water supply report has been prepared in compliance with Section 8.4.7 of the El Paso County Land Development Code.

Water Quantity

The total water demand for the proposed subdivision is calculated to be 4.11 af/yr. (see Table 1). This water demand is based upon the following:

- A total of 2.34 af/yr water demand for in-house uses for the 9 lots (0.26 af/lot/yr).

720 SOUTH COLORADO BLVD.
SUITE 410 S
DENVER, CO 80246
303.757.3655



- A total of 1.53 af/yr water demand for outside uses for the 9 lots (0.17 af/lot/yr), based on a unit water demand of 0.0566 af/1000 sq. ft. of landscaping with a maximum landscaping of 3000 sq. ft. per lot.
- A total of 0.24 af/yr water demand for livestock watering for the nine lots (0.026 af/lot/yr), calculated assuming 2 head of livestock per lot and a water demand of 0.013 af/year/head.

These water uses result in a total water demand per lot of 0.456 af/yr.

Wastewater from the domestic uses will be discharged into an evaporative on-site wastewater treatment system (OWTS) which will be designed and constructed in compliance with the requirements of the El Paso County Department of Health and Environment (EPCDHE). We estimate that the return flows from landscape irrigation will be 0.31 af/yr which is 20% of the landscape water requirements.

The water supply for the proposed subdivision will be supplied through individual wells drilled into the non-renewable non-tributary Arapahoe formation aquifer. The amount of water available from the Arapahoe aquifer was determined in the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. 1940-BD (Basin Determination 1940-BD). In preparation of this memorandum, we reviewed deeds we received associated with the Joyful View Subdivision (Grand View Partners, LLC listed as applicant on Basin Determination under engineering parameters not legal parameters which may affect the final standings (attached deed dated May 18, 2018). The deed indicates that Grand View Partners, LLC sold one-half of 1940-BD minus 1 acre-foot to OGC RE2, LLC, which is the party that purchased the other 35.8 acres covered in the 1940-BD. 1940-BD concluded that the allowed average annual amount of withdrawal of ground water from the Arapahoe aquifer shall not exceed 27.8 acre-feet based upon a 100-year aquifer life on 106 acres of land. The proposed subdivision is being developed on 70.2 acres of the acres used for 1940-BD. Removing one half and one acre-foot from 27.8 af leaves approximately 12.9 af for the 70.2 acres. However, the El Paso County regulations indicate that they base reviews on a 300-year aquifer life so the 12.9 af is divided by 3, leaving 4.3 af of aquifer depletions per year. We estimate that this leaves approximately 4.3 af remaining of the original basin



determination (1940-BD dated July 7, 2006) and El Paso County regulations for the Joyful View subdivision.

Water will be supplied by individual wells placed, drilled, and developed within each individual lot and will be permitted and constructed in accordance with findings and order stated in 1484-BD. The wells shall be designed and constructed in accordance with the Colorado Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation, and monitoring and Observation Hole/Well (Well Construction Rules, 2 CCR 402-2). Wells drilled into the Arapahoe aquifer typical last 20 to 30 years before well rehabilitation may be required. The timing of well replacement will depend on the individual well owner's well maintenance activities. Each well will be constructed at the time that the construction of the residential unit is constructed on that lot. Well drilling logs, well completion reports, and data and analysis of constant rate and step test pump tests will be provided upon completion of the individual well. Return flow from landscape irrigation of 0.31 af/yr (or 7.5 % of the total water demand of the subdivision) exceed the 2% required return flows from use of the Arapahoe aquifer. Arapahoe aquifer wells typically yield 10 gpm or greater which is adequate for the proposed domestic water uses of the proposed subdivision. An augmentation plan is not required for use of the Arapahoe aquifer at this location.

Water Quality

The water quality of the Arapahoe aquifer under the proposed subdivision has not been tested. However, water quality of the Arapahoe aquifer has been reported in the United States Geological Survey "Water Quality in the Denver Basin Aquifer System, Colorado, 2003–05", Circular 1357, to generally be in compliance with the minimum safe drinking water requirements set by the State of Colorado pursuant to the Colorado Water Quality Control Commission's Primary Drinking Water Regulations (Regulation #11) and the requirements of the EPCDHE. Arapahoe aquifer groundwater is used by numerous water suppliers for drinking water in public water supply systems throughout the aerial extent of the Arapahoe aquifer. It is unlikely but possible that Arapahoe aquifer water will contain levels of iron and/or manganese higher than the requirements of Regulation #11 or the requirements of the EPCDHE. Upon drilling of the first Arapahoe aquifer well within the subdivision, the well water will be sampled, tested, and the resultant water quality test results will be provided to



the County. If any of the well water constituents exceeds the requirements of Regulation #11 or the requirements of EPCDHE, individual home treatment systems will be required for the portion of the water supply to be used for potable uses. The Arapahoe aquifer is not subject to water quality degradation from on-site and off-site sources as long as the well is constructed in accordance with the Well Construction Rules. Based upon the available information the Arapahoe aquifer water will be suitable as a safe drinking water source for the subdivision.

Water Supply Dependability

The proposed source of water supply is the non-tributary Arapahoe aquifer. The Arapahoe aquifer water will be used in accordance with 1940-BD. The calculations provided in 1940-BD provide a scientific basis for estimating the life of the Arapahoe aquifer. When combined with the 300-year limitation by El Paso County requirements, the Arapahoe aquifer will be a dependable water supply for the proposed subdivision.

Conclusion

It is our opinion that the water supply available for this subdivision is of the quantity, quality, and dependability required by Section 8.4.7 of the El Paso County Land Development Regulations.

Table 1
Joyful View Subdivision

Summary of Estimated Demands and Consumptive Use

Water Demand Parameters	
Total Number of EQRs	9
In-house Demand per EQR (Based on 0.26 af/lot/yr)	232 gal/day
Percent of In-house Water Used Consumptively - (Evaporative OWTS)	100 %
Number of Livestock	18
Daily Usage for Livestock	12 gal/day
Consumptive Use Percentage for Livestock	100%
Irrigated Outside Use Area	0.62 acres
Annual Crop Application Rate (Based on 0.0566 af/1000 sq.ft.)	2.47 af/ac
Irrigation Efficiency	80%

(Page 37, EP Land Use Code 5/2016)

(Page 37, EP Land Use Code 5/2016)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Months	Water Demands				Water Consumption				Return Flows				
	In-house	Irrigated Outside	Livestock Use	Total	In-house	Irrigated Outside	Livestock Use	Total	In-house		Irrigated Outside Use		Total
	Use	Use			Use	Use							
	(acre-ft)	(acre-ft)	(acre-ft)	(acre-ft)	(acre-ft)	(acre-ft)	(acre-ft)	(acre-ft)	(acre-ft)	(gpm)	(acre-ft)	(gpm)	(acre-ft)
January	0.20	0.00	0.02	0.22	0.20	0.00	0.02	0.22	0.00	0.00	0.00	0.00	0.00
February	0.18	0.00	0.02	0.20	0.18	0.00	0.02	0.20	0.00	0.00	0.00	0.00	0.00
March	0.20	0.00	0.02	0.22	0.20	0.00	0.02	0.22	0.00	0.00	0.00	0.00	0.00
April	0.19	0.06	0.02	0.28	0.19	0.05	0.02	0.26	0.00	0.00	0.01	0.10	0.01
May	0.20	0.22	0.02	0.44	0.20	0.17	0.02	0.39	0.00	0.00	0.04	0.32	0.04
June	0.19	0.32	0.02	0.53	0.19	0.25	0.02	0.47	0.00	0.00	0.06	0.48	0.06
July	0.20	0.33	0.02	0.55	0.20	0.27	0.02	0.49	0.00	0.00	0.07	0.49	0.07
August	0.20	0.25	0.02	0.47	0.20	0.20	0.02	0.42	0.00	0.00	0.05	0.37	0.05
September	0.19	0.23	0.02	0.45	0.19	0.19	0.02	0.40	0.00	0.00	0.05	0.35	0.05
October	0.20	0.11	0.02	0.32	0.20	0.08	0.02	0.30	0.00	0.00	0.02	0.15	0.02
November	0.19	0.00	0.02	0.21	0.19	0.00	0.02	0.21	0.00	0.00	0.00	0.00	0.00
December	0.20	0.00	0.02	0.22	0.20	0.00	0.02	0.22	0.00	0.00	0.00	0.00	0.00
Annual	2.34	1.53	0.24	4.11	2.34	1.22	0.24	3.80	0.00	average 0.00	0.31	average 0.19	0.31

- (1) Equals Number of EQRs times In-House Demand per EQR times the Days in the month divided by 325,851.
 (2) Equals Equivalent Outside Use Area times Monthly CIR divided by Irrigation Efficiency.
 (3) Equals Number of Livestock times Livestock Usage times the Days in the month divided by 325,851.
 (4) Equals the total of Column (1 thru 3).
 (5) Equals Column (1) times the Percent of In-House Water Used Consumptively.
 (6) Equals Column (2) times Irrigation Efficiency
 (7) Equals Column (3) times Livestock Use Percentage

- (8) Equals the total of Column (5 thru 7).
 (9) Equals Column (1) minus Column (5).
 (10) Equals Column (9) divided by days in the month divided by 1.98 times 449.
 (11) Equals Column (2) minus Column (6).
 (12) Equals Column (7) divided by days in the month divided by 1.98 times 449.
 (13) Equals Column (4) minus Column (8).



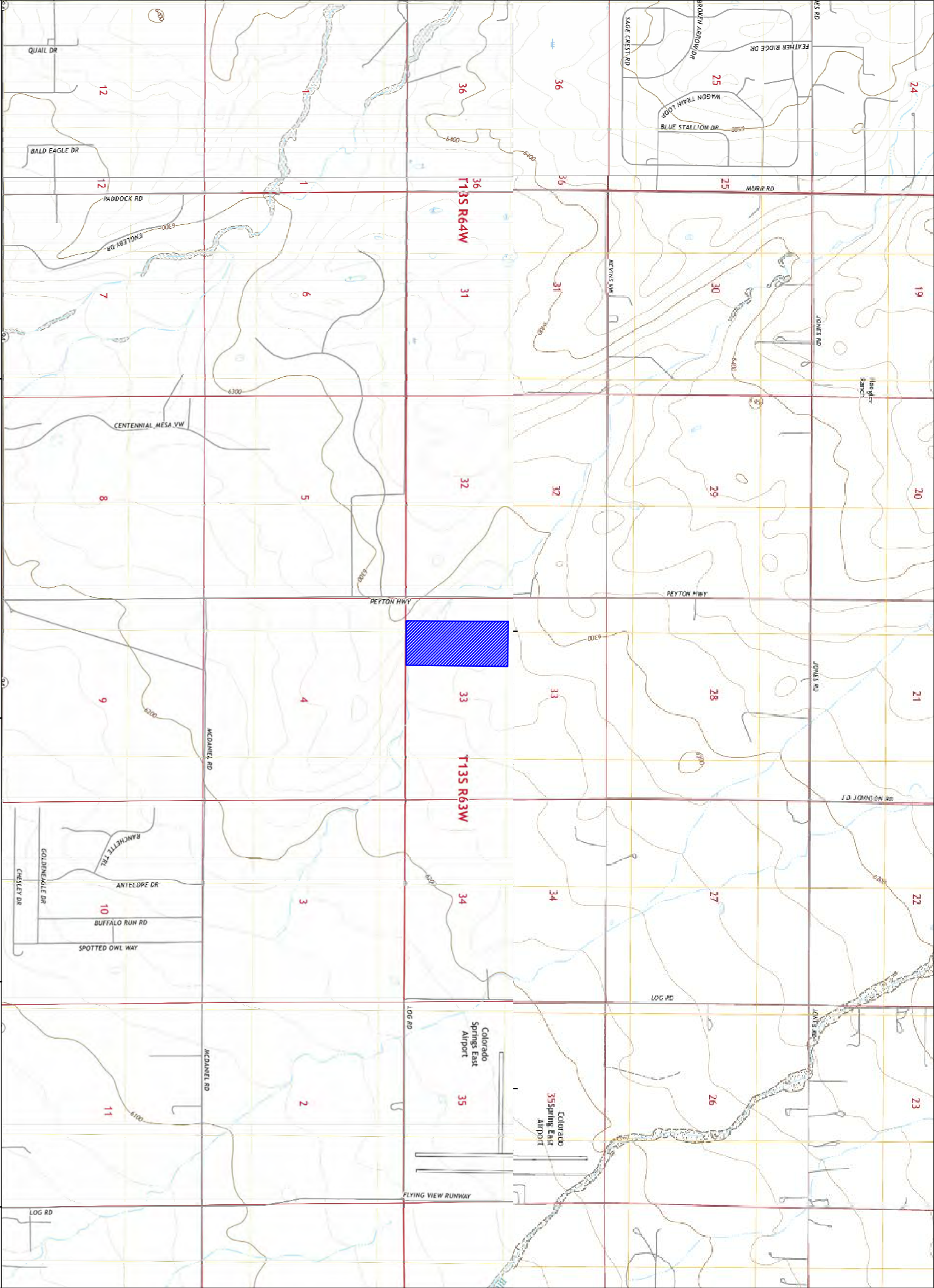
720 South Colorado Blvd., Suite 410S
Denver, CO 80246
Phone: 303 757 3655
www.respec.com

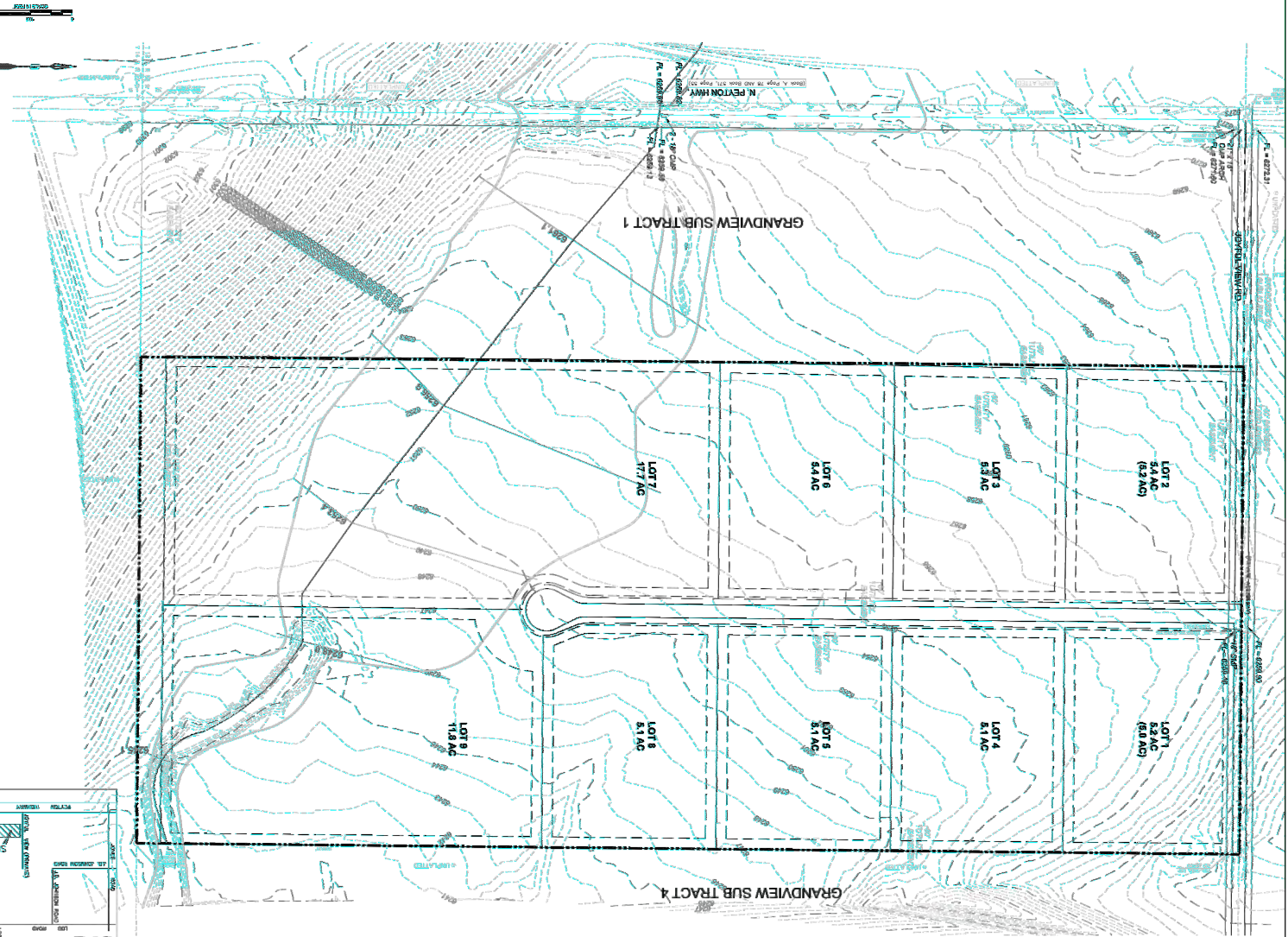
Joyful View

Property Location Map
Scale: 1" = 2000'

Date: 07/12/2021

Figure 1





218057161

5/18/2018 4:50 PM

PGS 2

\$18.00 DF \$0.00

Electronically Recorded Official Records El Paso County CO

Chuck Broerman, Clerk and Recorder

TD1000 N

After Recording Return to:
OGC RE2, LLC
C/O Gary Burghart, Esq.
559 E Pikes Peak Avenue Suite 100
Colorado Springs, CO 80903

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That I, Grand View Partners, LLC, a Colorado limited liability company, County of Clark and State of Nevada for the consideration of Ten dollars, in hand paid, hereby sells and conveys to OGC RE2, LLC, a Colorado limited liability company whose legal address is 559 E Pikes Peak Avenue Suite 100, Colorado Springs, CO 80903 County of El Paso and State of Colorado the following described water rights to each of the following lots:

Tract 2:

A tract of land located in the Southwest ¼ of Section 33, Township 13 South, Range 63 West of the 6th P.M., El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South 89°29'18" East coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning of a tract of land described herein; thence North 00°52'15" East, a distance of 2633.76 feet; thence South 89°29'18" East, a distance of 577.00 feet; thence South 00°43'29" West, a distance of 2633.72 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Tract 3:

A tract of land located in the Southwest ¼ of Section 33, Township 13 South, Range 63 West of the 6th P.M., El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South 89°29'18" East coincident with the South line of said Section 33, a distance of 1167.44 feet to the Point of Beginning; thence North 00°43'29" East, a distance of 2633.72 feet; thence South 89°29'18" East, a distance of 577.00 feet; thence South 00°34'42" West, a distance of 2633.71 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Water rights described as follows:

One half Determination 1940-BD (Arapahoe Aquifer) minus one acre foot and one half Determination 1939-BD (Laramie-Fox Aquifer)

Also known by street and number as: 19925 & 20045 Joyful View, Peyton, CO 80831

Signed and delivered this 2 day of April, 2018.

Grand View Partners, LLC, a Colorado
limited liability company


Tom Daly, Managing Partner

HTC

Street Address: 10955 Mount Douglas St.
City, State, Zip: Las Vegas NV 89179

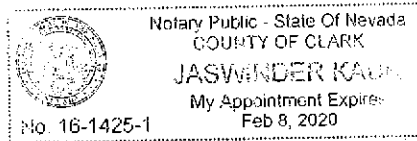
STATE OF Nevada
COUNTY OF Clark

}ss:

The foregoing instrument was acknowledged before me this 2 day of April, 2018, by Tom Daly, Managing Partner of Grand View Partners LLC, a Colorado limited liability company

My commission expires: 02/08/2020

Witness my hand and official seal.



Jaswinder Kaun
Notary Public

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

Joyful View

2. LAND USE ACTION

Final Plat

3. NAME OF EXISTING PARCEL AS RECORDED

N/A

SUBDIVISION

See Above

FILING

N/A

BLOCK

N/A

LOT

N/A

4. TOTAL ACREAGE

70.2

5. NUMBER OF LOTS PROPOSED

9

PLAT MAP ENCLOSED ☐ YES ☒ NO See submittal

6. PARCEL HISTORY - Please attach copies of deeds, plats or other evidence or documentation.

A. Was parcel recorded with county prior to June 1, 1972? ☐ YES ☒ NO

B. Has the parcel ever been part of a division of land action since June 1, 1972? ☐ YES ☒ 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)

East 1/2 of SW 1/4 SECTION 13 TOWNSHIP 13 ☐ N ☒ S RANGE 63 ☐ E ☒ W

PRINCIPAL MERIDIAN: 6TH X N.M. ☐ UTE ☐ COSTILLA

8. PLAT - Location of all wells on property must be plotted and permit numbers provided.

Surveyors plat Yes No N/A

If not, scaled hand drawn sketch ☐ Yes ☒ No

9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Feet per Year

HOUSEHOLD USE # 9 of units 2088 GPD 2.34 AF

COMMERCIAL USE # 0.0 of S.F. 0 GPD 0.0 AF

IRRIGATION # 27,000 of S.F. 151 1.53 AF

STOCK WATERING # 18 of head GPD 216 0.24 AF

OTHER _____ GPD _____ AF

TOTAL 2,455 GPD 4.11 AF

***Based on 0.26 Acre-Feet/Unit/Year**

10. WATER SUPPLY SOURCE

EXISTING WELLS _____
DEVELOPED SPRING _____
WELL PERMIT NUMBERS _____

☐ NEW WELLS -

PROPOSED AQUIFERS - (CHECK ONE)

- ☐ ALLUVIAL ☒ UPPER ARAPAHOE
☐ UPPER DAWSON ☒ LOWER ARAPAHOE
☐ LOWER DAWSON ☐ LARAMIE FOX HILLS
☐ DENVER ☐ DAKOTA

- ☐ MUNICIPAL
☐ ASSOCIATION
☐ COMPANY
☐ DISTRICT
NAME _____

Water Court Decree Case No(s) _____

Basin Determination _____

(Arapahoe) _____

LETTER OF COMMITMENT FOR SERVICE ☐ YES ☒ NO

1/2 1940-BD minus 1 af

11. ENGINEER'S WATER SUPPLY REPORT ☒ YES ☐ NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)

12. TYPE OF SEWAGE DISPOSAL SYSTEM Individual On-site Wastewater Treatment Systems

☐ SEPTIC TANK/LEACH FIELD

☐ CENTRAL SYSTEM - DISTRICT NAME _____

☐ LAGOON

☐ VAULT - LOCATION SEWAGE HAULED TO _____

☐ ENGINEERED SYSTEM (Attach a copy of engineering design)

☐ OTHER _____

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO
ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK
DESIGNATED GROUND WATER BASIN

APPLICANT: GRAND VIEW PARTNERS, LLC

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: 1939-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Grand View Partners, LLC (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on July 7, 2006.
2. The applicant requests a determination of rights to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 106 acres, generally described as the western 1,752 feet of the Southwest quarter of Section 33, Township 13 South, Range 63 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated July 5, 2006, applicant owns the 106 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above-described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above-described 106-acre land area.
6. The quantity of water in the aquifer underlying the 106 acres of land claimed by the applicant is 3,100 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 15 percent.

- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 195 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
 8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 106 acres of overlying land claimed by the applicant is 31.0 acre-feet.
 9. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
 10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
 11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
 12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will 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 ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.
 13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
 14. On October 6, 2008, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
 15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the *Ranchland News* newspaper on October 9 and 16, 2008.
17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
18. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Laramie-Fox Hills Aquifer underlying 106 acres of land, generally described as the western 1,752 feet of the Southwest quarter of Section 33, Township 13 South, Range 63 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 31.0 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
21. 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.
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The place of use shall be limited to the above-described 106-acre land area.

24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above-described 106-acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above-described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above-described 106-acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
 - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

Applicant: Grand View Partners, LLC
Aquifer: Laramie-Fox Hills
Determination No.: 1939-BD

Page 5

26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above-described 106-acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 22nd day of December, 2008.



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

By: 

Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: GMB

FIND-1208-01

EXHIBIT A

Page 1 of 2

GWS-1 (Rev, Sept 1996)

1939-BD
STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Grand View Partners, LLC

(Name)

claim and say that I (we) am (are) the owner(s) of the following described property
consisting of 106 acres in the County of El Paso, State
of Colorado:

See Attached Legal Description

and, that the ground water sought to be withdrawn from the Laramie Fox Hills
aquifer underlying the above-described land has not been conveyed or reserved to
another, nor has consent been given to it's withdrawal by another.

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

Catherine Brown-Suxin, President 7/5/06
Grand View Partners, LLC (Date)

Catherine Brown-Suxin, President 7/5/06
(Date)

INSTRUCTIONS:

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

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

Best Copy Available

Tract 1:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of 6th P.M. El Paso County, State of Colorado, described as follows:

Beginning at the Southwest corner of said Section 33, said point being the Point of Beginning of a tract of land described herein; thence North 00°30'32" East coincident with the West line of said Section 33, a distance of 2,633.71 feet; thence South 89°29'18" East, a distance of 600.35 feet; thence South 00°52'15" West, a distance of 2,633.76 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 2:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South 89°29'18" East coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning of a tract of land described herein; thence North 00°52'15" East, a distance of 2,633.76 feet; thence South 89°29'18" East, a distance of 577.00 feet; thence South 00°43'29" West, a distance of 2,633.72 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities. And a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 3:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South 89°29'18" East coincident with the South line of said Section 33, a distance of 1,167.44 feet to the Point of Beginning of a tract of land described herein; thence North 00°43'29" East, a distance of 2,633.72 feet; thence South 89°29'18" East, a distance of 577.00 feet; thence South 00°34'42" West, a distance of 2,633.71 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the North boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

CWS

mTK

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

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

Please note: This application may only be used to apply for a determination of rights to ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer underlying land areas located within a Designated Ground Water Basin. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Ground Water Commission with a non-refundable \$440 filing fee. A separate form must be used for each aquifer determination. Type or print in black ink.

1. APPLICANT INFORMATION	
Name of Applicant <u>Grand View Partners, LLC</u>	
Applicant Mailing Address <u>20825 JD Johnson Road, Peyton, CO 80831</u>	
Applicant Telephone Number (include area code) <u>719-683-2157</u>	
2. AMOUNT OF OVERLYING LAND - the total land area claimed and described by the applicant in Item #8 below, consisting of <u>106</u> acres.	3. AQUIFER <u>Laramie Fox Hills</u>
4. EXISTING WELLS - Are there any wells located on the claimed and described overlying land? Yes _____ No <u>X</u> If yes, provide a complete list of all wells located on the overlying land area as an attachment to this application.	
5. ANNUAL AMOUNT OF GROUND WATER - to be withdrawn, for intended beneficial uses, from the aquifer underlying the described land area claimed by the applicant in Item #8 below. Please specify one of the following: <input checked="" type="checkbox"/> Maximum allowable annual acre-feet <input type="checkbox"/> _____ acre-feet annually <input type="checkbox"/> Maximum allowable annual acre-feet, excluding _____ acre-feet from that amount	
6. USE OF GROUND WATER - description of intended beneficial uses of the ground water to be withdrawn from the aquifer <u>Domestic, commercial, industrial, irrigation, stock watering and replacement supply</u>	
7. PLACE OF USE - of the ground water shall be considered to be that overlying land area claimed and described by the applicant in Item #8 below, unless a legal description or accurate scale map is provided which describes an alternate/additional place of use.	
8. REQUIRED LANDOWNERSHIP DOCUMENTATION - The Ground Water Commission shall allocate ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer on the basis of ownership of overlying land. For this reason, a Nontributary Ground Water Landownership Statement (form GWS-1) or Nontributary Ground Water Consent Claim (form GWS-48), including a description of the overlying land area subject to this determination, must be submitted as an attachment to the application.	
9. SIGNATURE OF APPLICANT - must be original signature - The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.	
Signature <u>Catherine Brown-Swain, Pres.</u> Date <u>7/5/06</u>	
Print name and title <u>Grand View Partners, LLC Catherine Brown-Swain, President</u>	
FOR OFFICE USE ONLY Trans Number: 3606117 11/07/2006 8:42:41 AM Jay Bloomfield (16) Total Trans Amt: \$240.00 CREDIT CARD Tender Amount: \$240.00	
8 10 4 12	

MacDOUGALL, WOLDRIDGE & WORLEY, P.C.
530 Communication Circle, #204
Colorado Springs, CO 80905-1743

M E. MacDouqall
Julianne M. Woldridge
Henry D. Worley

hworley@waterlaw.tv

Telephone
(719) 520-9288
Fax
(719) 520-9447

RECEIVED
JUL 07 2006
WATER RESOURCES
STATE ENGINEER
COLO.

June 26. 2006

Colorado Ground Water Commission
1313 Sherman Street, 8th Floor
Denver, Colorado 80203

To Whom It May Concern:

This letter accompanies the application of Grand View Partners, LLC, for a determination of water rights in the Laramie-Fox Hills aquifer underlying its land in the SW ¼ Section 33, T. 13S., R. 63W., El Paso County, Colorado.

As you can see from the enclosed copy of the deed to Grand View Partners, the seller, Doolie Investments, LLC, attempted to reserve to itself all of the water in the Laramie-Fox Hills aquifer. For the following reasons, I believe that this attempted reservation was ineffective, and that Grand View Partners has the legal ability to apply for and obtain a determination of water rights for the Laramie-Fox Hills aquifer water underlying its property.

For ease of reference, the purported reservation reads as follows:

Except all groundwater in the Denver aquifer. Seller grants the right to withdraw one (1) acre-foot per year through an exempt/small capacity well completed into the Arapahoe aquifer underlying and associated with the land. All remaining Arapahoe aquifer and all of the Laramie-Fox Hills aquifer underlying the land will be reserved by the Seller.

First, I believe that the case law is reasonably clear that a landowner may either reserve to itself or convey to a third party the inchoate right to appropriate unadjudicated Denver Basin ground water, both inside and outside of designated basins. This conclusion is supported by language in Colorado Ground Water Commission v. North Kiowa-Bijou Groundwater Management District, 77 P.3d 62 (Colo. 2003) at page 78: "And, as in the case of landowners in nondesignated portions of the Denver Basin, this inchoate right (to appropriate ground water) may be severed from the land but does not vest until a determination of a water use right is made pursuant to § 37-90-107(7)."

RECEIVED
JUL 07 2006
WATER RESOURCES
STATE ENGINEER
COLO.

The same conclusion may be made from a review of Bayou Land Co. v. Talley, 924 P.2d 136,136 (Colo. 1996): "We now conclude that landowners do have a right to withdraw nontributary ground water underlying their land even in the absence of formal water court adjudication. This right is defined by statute and is presumed to be conveyed by a deed for the land *unless excepted from that deed by express reservation*" (Emphasis added.)

However, that is not the case here. Instead, this situation is virtually identical to the situation which occurred in Chatfield East Well Co. Ltd., v. Chatfield East Property Owners Assoc., 956 P.2d 1260 (Colo. 1998). In that case, the developer of a subdivision conveyed lots in the subdivision which contained the following language in all of the deeds: "Reserving unto the Grantor all underground nontributary water and Grantees hereby consent to the use of said water upon any land or area, regardless of where located." The subdivider later gave a deed purporting to convey the Arapahoe aquifer to the Well Company, which then applied for an adjudication of the water in the Arapahoe aquifer. The lot purchasers (and others, including the State Engineer) opposed the application. The water court dismissed the Well Company's application, and the Supreme Court affirmed that decision.

The Chatfield East case appears to have been decided by some combination of about three different reasons. However, for purposes of this analyzing this issue, the key appears to have been the fact that the language of reservation attempted to reserve water, rather than the developer's inchoate right to appropriate the water. The Supreme Court held that one cannot reserve the water itself. The Court's discussion of this issue begins toward the middle of page 1268 of the opinion, and its conclusion is as follows:

The Well Company's theory of ownership and title to nontributary water is clearly contrary to law, and we reject it. Colorado law allows for the vesting of water use rights, not water ownership reservations. Regardless of what the parties intended, one cannot transfer property one does not own. See Tilbury v. Osmundson, 143 Colo. 12, 15 —16, 352 P.2d 102, 104 (1960) ("Land cannot be transferred by the intend of the parties alone, especially when the specific words used state less than what was intended. The deed conveys the land actually described, regardless of the mistake of the parties.").

Under the facts of this case, the Development Company when it owned the land had an inchoate statutory right to extract and use Denver Basin aquifer water. It did not own a portion of the state's water resources by virtue of being a landowner. In order to establish a water right in the Arapahoe aquifer, the Development Company had to perfect its use right in compliance with section 37-90-137(4). See Bayou Land, 924 P.2d at 148.

It is my understanding that as of the date of the deed to Grand View Partners on March

RECEIVED

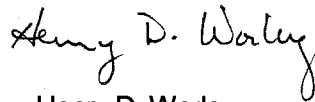
JUL 07 2006

WATER RESOURCES
ENGINEER

16, 2006, no determination of water rights had been issued to Doolie Investments (or anyone else) regarding the Laramie-Fox Hills aquifer underlying Grand View Partners' land. Thus, at the time of the conveyance of the land to Grand View Partners in March 2006, Doolie Investments, like the Well Company, had at most an inchoate right to extract and use the Laramie-Fox Hills aquifer water underlying the land. *Because no vested property right had been created, the language of reservation used in the deed, which purported to reserve the "Laramie-Fox Hills aquifer," was insufficient to sever that inchoate right from the land.* As the current owner of the overlying land, Grand View Partners is the only entity which currently possesses that inchoate right. This situation is virtually identical to that of the Chatfield East case, which compels this conclusion.

Please do not hesitate to call me if you need to discuss this matter.

Sincerely yours,



Henry D. Worley
For the firm

c: Catherine Swain
Wm. Curtis Wells

MacDOUGALL, WOLDRIDGE & WORLEY, P.C.

530 Communication Circle, #204
Colorado Springs, CO 80905-1743

M.E. MacDougall
Julianne M. Woldridge
Henry D. Worley

hworley@waterlaw.tv

Telephone
(719) 520-9288
Fax
(719) 520-9447

July 16, 2008

Ms. Catherine Brown-Swain
20825 JD Johnson Road
Peyton, CO 80831-8219

RE: Release, original deed

Dear Catherine:

I am enclosing a copy of the Mutual Release, and the original deed of water rights from Doolie Investments to Grand View Partners. You should submit a copy of the deed with each of your applications for Determinations of Water Rights.

I apologize for my confusion regarding the need for a replacement plan. I had forgotten that the water underlying Grand View's property is "four percent" not nontributary water which does not need a replacement plan, and instead thought it was "actual depletion" not nontributary water which does need a replacement plan. So long as the Arapahoe aquifer water underlying the property is "four percent" water – and Curt Wells says it is – Grand View should not need approval of a replacement plan.

I believe that this brings my work for Grand View Partners to a conclusion. However, if there are any loose ends which still need to be tied up, please don't hesitate to give me a call.

Sincerely yours,



Henry D. Worley
For the firm

Enclosures

Tract 1:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of 6th P.M. El Paso County, State of Colorado, described as follows:

Beginning at the Southwest corner of said Section 33, said point being the Point of Beginning of a tract of land described herein; thence North $00^{\circ}30'32''$ East coincident with the West line of said Section 33, a distance of 2,633.71 feet; thence South $89^{\circ}29'18''$ East, a distance of 600.35 feet; thence South $00^{\circ}52'15''$ West, a distance of 2,633.76 feet; thence North $89^{\circ}29'18''$ West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 2:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South $89^{\circ}29'18''$ East coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning of a tract of land described herein; thence North $00^{\circ}52'15''$ East, a distance of 2,633.76 feet; thence South $89^{\circ}29'18''$ East, a distance of 577.00 feet; thence South $00^{\circ}43'29''$ West, a distance of 2,633.72 feet; thence North $89^{\circ}29'18''$ West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities. And a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway

Tract 3:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South $89^{\circ}29'18''$ East coincident with the South line of said Section 33, a distance of 1,167.44 feet to the Point of Beginning of a tract of land described herein; thence North $00^{\circ}43'29''$ East, a distance of 2,633.72 feet; thence South $89^{\circ}29'18''$ East, a distance of 577.00 feet; thence South $00^{\circ}34'42''$ West, a distance of 2,633.71 feet; thence North $89^{\circ}29'18''$ West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the North boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

ROBERT C. "BOB" BALINK El Paso County, CO

07/11/2008 02:55:48 PM

Doc \$0.00 Page

Rec \$11.00 1 of 2



208079190

QUIT CLAIM DEED

Doolie Investments, LLC, a Colorado limited liability company ("Grantor") whose address is 67527 Oakridge Lane, Montrose, CO 81401, for good and valuable consideration, receipt of which is hereby acknowledged, hereby quitclaims to Grand View Partners, LLC, a Colorado limited liability company whose address is 20825 JD Johnson Road, Peyton, CO 80831, all of Grantor's right, title and interest, including any inchoate rights retained by Grantor pursuant to that deed recorded at reception no. 206042351 of the records of the El Paso County Clerk and Recorder, in and to the water and water rights in the Arapahoe and Laramie-Fox Hills aquifers underlying the real property described in Exhibit "A" hereto, and also including all water rights associated with or appurtenant to the existing well on the real property described in Exhibit "A".

Dated: 6-30-08

Doolie Investments, LLC

By: [Signature]

Michael J. Koepke

STATE OF COLORADO)

) ss:

COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me on June 30th, 2008,
by Michael J. Koepke, managing member of Doolie Investments, LLC.

Witness my hand and official seal.

My commission expires: 5/15/10

[Signature]
Notary Public

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

APPLICANT: **Grand View Partners, LLC**

BASIN: **Upper Black Squirrel Creek** GWMD: **Upper Black Squirrel Creek**

COUNTY: **El Paso**

AQUIFER: **Laramie-Fox Hills** RECEIPT NO. **3606117D**

NUMBER OF ACRES IN TRACT: **106**

GENERAL LOCATION: **Part of SW¼ Section 33, Township 13 South, Range 63 West, 6th PM**

AQUIFER DATA

AMOUNT AVAILABLE FOR APPROPRIATION: $(195 \text{ feet SS})(106 \text{ Acres})(0.15 \text{ SY}) = 3100 \text{ AF}$ **31.0 AFyr**

ADJUSTMENTS: **0.0 AFyr**

ANNUAL AMOUNT: **31.0 AFyr**

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

OVERLAP AREA: **None**

AREA CHECKED: **Sections 27, 28, 29, 32, 33, & 34, T13S, R63W and Sections 3, 4, & 5, T14S, R63W**

SMALL-CAPACITY WELLS (COMPLETED IN AQUIFER) LOCATED ON CLAIMED TRACT: **None**

REPLACEMENT WATER STATUS OF CLAIMED LAND AREA: **Nontributary**

REPLACEMENT PLAN REQUIRED: **No**

AQUIFER INTERVAL (CENTRAL DATA POINT): **from 1010 to 1300 feet bgs**

COMMENTS:

Evaluated by G. Michael Bender, Ground Water Commission Staff
Reviewed by KVH ✓ *6-28-07*

Best Copy Available

ELLICOTT

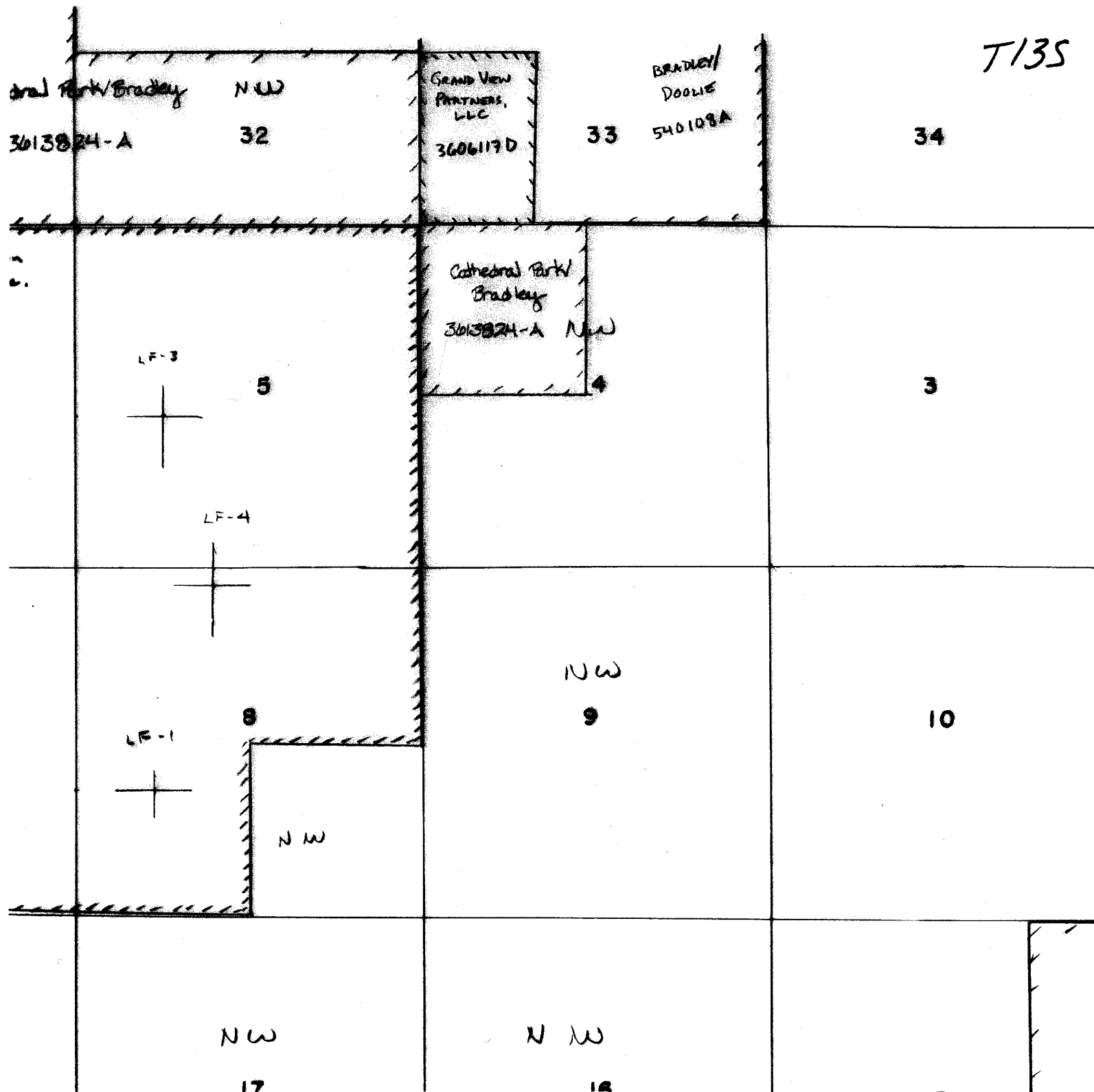
QUAD

61E

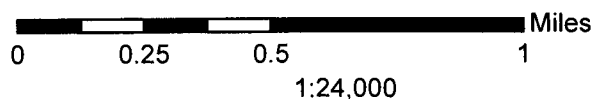
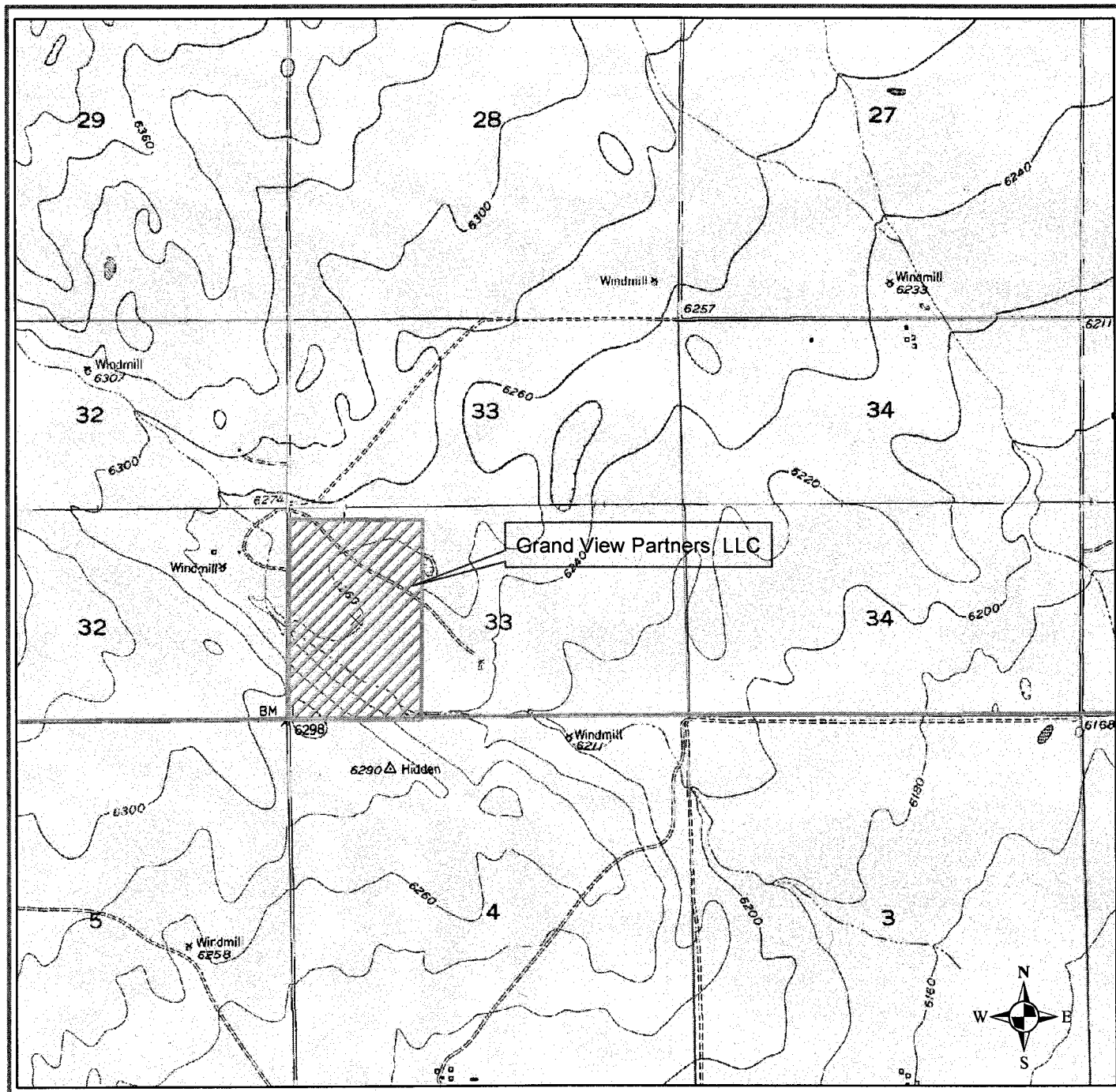
K1F

R63W

T13S



Colorado Division of Water Resources
Designated Basins Branch



Legend

ebt_work

pueblo_83.sid

RGB Composite

Red: Band_1

Green: Band_2

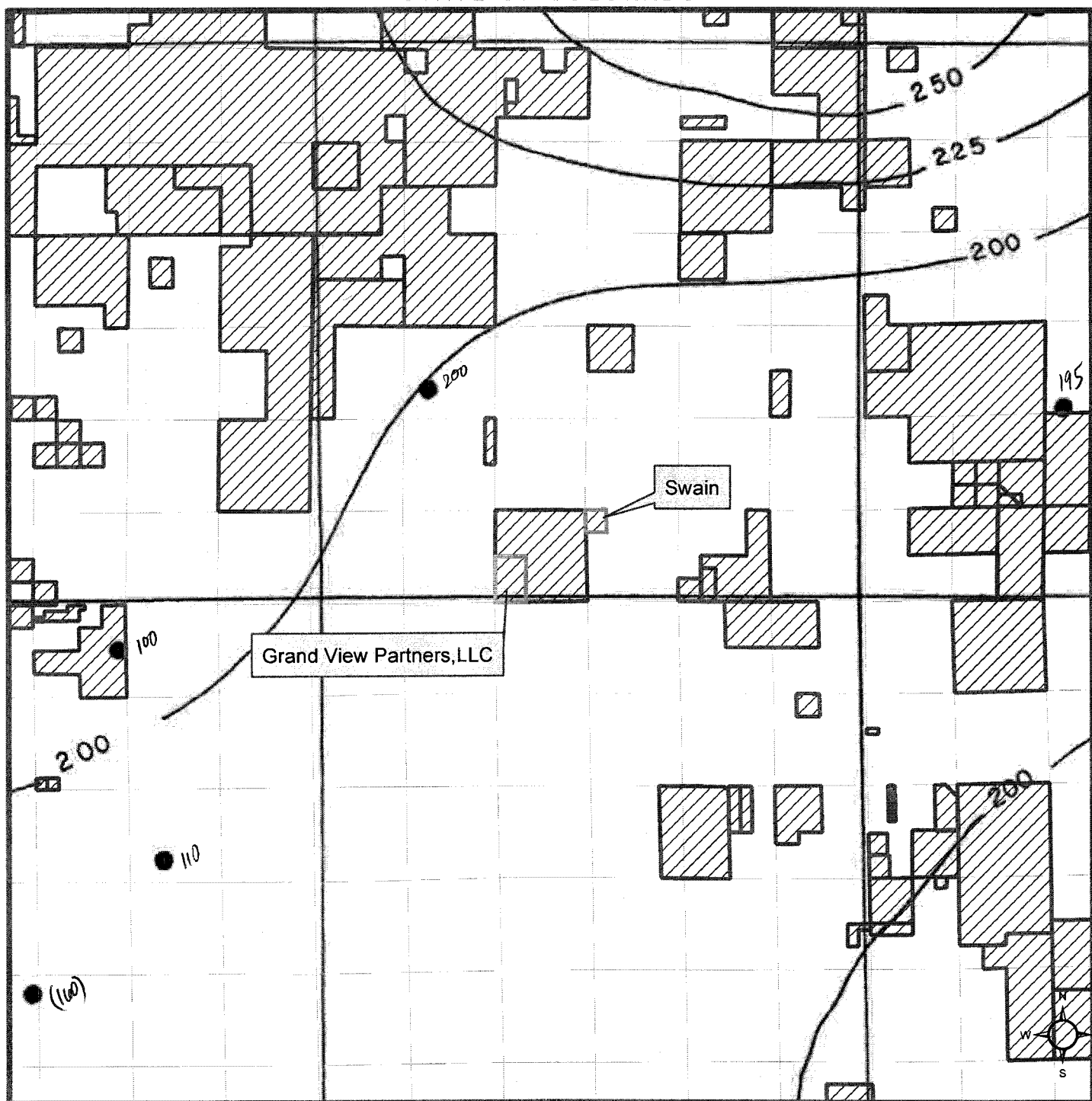
Blue: Band_3

Notes:

Applicant: Grand View Partners, LLC	Claimed Area Evaluation
Determination of Water Right	
Rec. Nos. 3606117 C & D	106 acres claimed
Aquifers: Klf & Ka	106 acres measured
UBSC DGWB (4-12)	p = 2673 m
Loc: 33-T13S-R63W	e = 4.5 acres



DIVISION OF WATER RESOURCES
STATE OF COLORADO



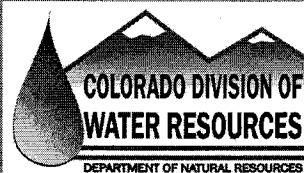
0 0.5 1 2 3 4 Miles

1:100,000

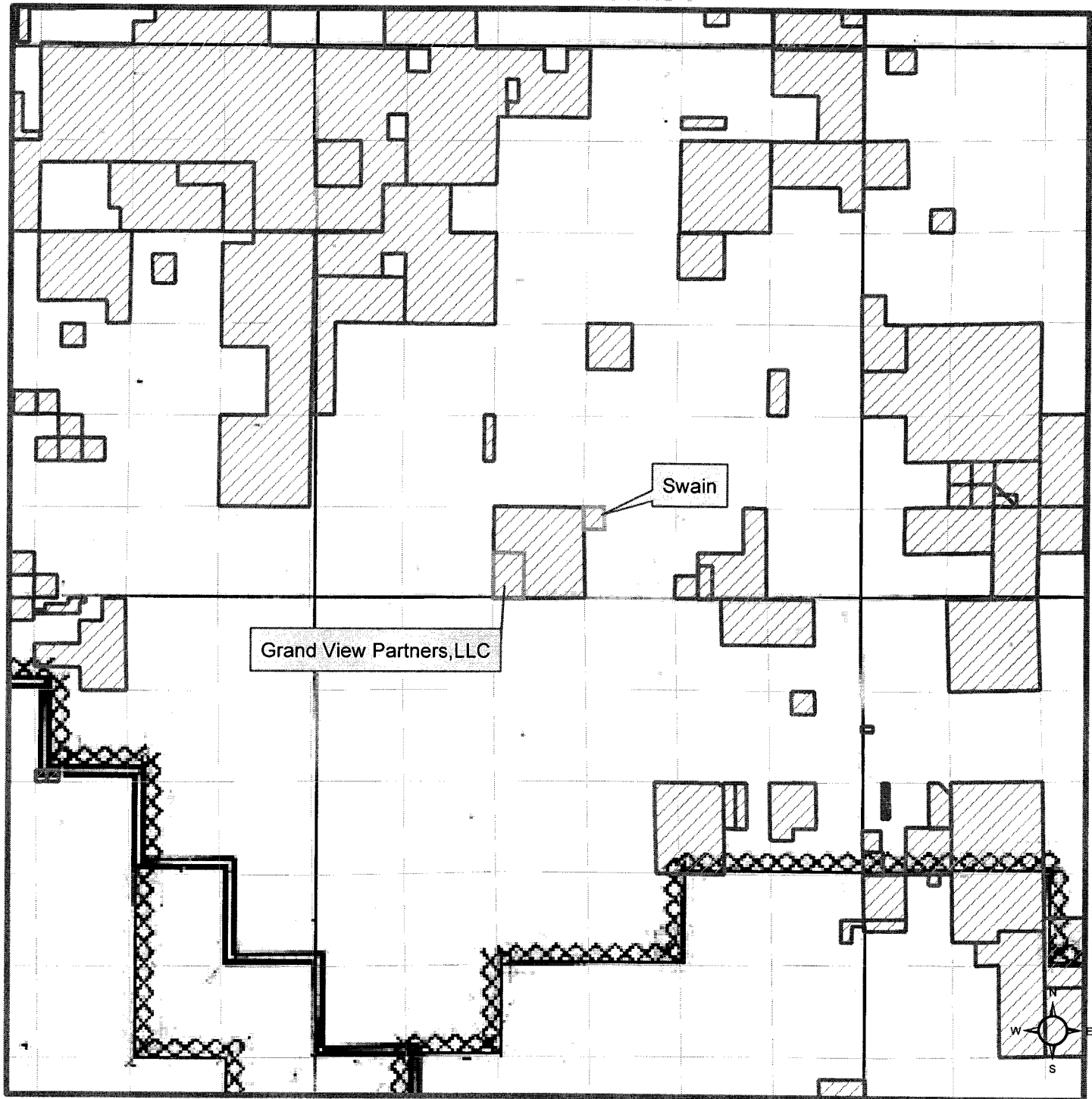
SATURATED SANDS - LARAMIE-FOX HILLS AQUIFER

NOTES:

Applicants: Grand View Partners and Swain, Tim & Catherine
Application: DWR
Rec. Nos. 3606117 A-D
UBSC DGWB
Aquifers: Kl, Ka
Loc. 33 & 34-13S-63W



DIVISION OF WATER RESOURCES
STATE OF COLORADO



0 0.5 1 2 3 4 Miles

1:100,000

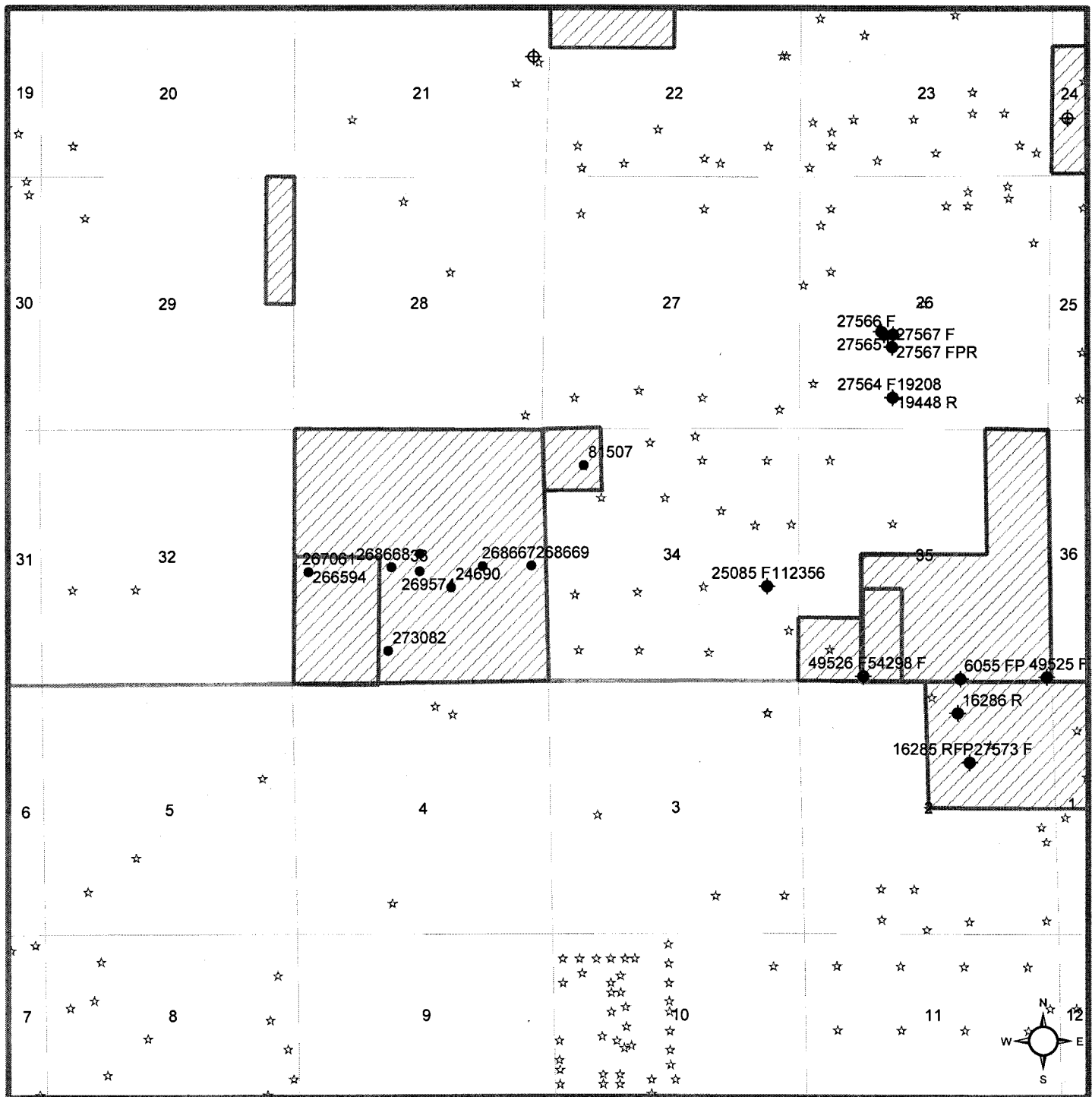
TRIBUTARY STATUS - LARAMIE-FOX HILLS AQUIFER
NT

NOTES:

Applicants: Grand View Partners and Swain, Tim & Catherine
Application: DWR
Rec. Nos. 3606117 A-D
UBSC DGWB
Aquifers: Klf, Ka
Loc. 33 & 34-13S-63W



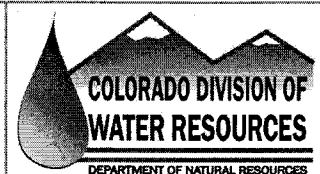
DIVISION OF WATER RESOURCES
STATE OF COLORADO



NOTES:

Well Info.

Applicants: Grand View Partners and Swain, Tim & Catherine
 Application: DWR
 Rec. Nos. 3606117 A-D
 UBSC DGWB
 Aquifers: Klf, Ka
 Loc. 33 & 34-13S-63W



SB5 for Des Bsn WR Appl 3606117C-D, Grand View Partners LLC

Central Point

LOCATION: SW1/4 OF SW1/4 OF SEC. 33, T.13S., R.63W. (1320 SSL, 875 WSL)
 LOCATION IS WITHIN THE UPPER BLACK SQUIRREL DESIGNATED GROUND
 WATER BASIN

Ground Elevation: 6260

Number of Acres: 106

AQUIFER	ELEVATION		NET SAND	DEPTH TO		ANNUAL APPROP A-F	STATUS
	BOT.	TOP		BOT.	TOP		
UPPER DAWSON	----	----	----	----	----	----	---
LOWER DAWSON	----	----	----	----	----	----	---
DENVER	6073	6254	93.8	187	6	16.90	NNT
UPPER ARAPAHOE	5543	6050	160.4	717	210	28.91	NNT
LOWER ARAPAHOE	----	----	----	----	----	----	---
LARAMIE-FOX HILLS	4960	5252	197.3	1300	1008	31.38	NT

note: E indicates location is at aquifer boundary and values
 may be more approximate.

Areal Evaluation

ANNUAL APPROPRIATION FOR A 106 ACRE TRACT LOCATED:

SEC.	TWP	RNG	ACRES
----	----	----	----
33	13S	63	106

AQUIFER	DESIGNATED BASINS						TOTAL ANNUAL APPROP
	NON-TRIBUTARY			NOT NON-TRIBUTARY			
	ACRES	AVERAGE SAT.	ANNUAL APPROP	ACRES	AVERAGE SAT.	ANNUAL APPROP	
UPPER DAWSON	-----	-----	-----	-----	-----	-----	-----
LOWER DAWSON	-----	-----	-----	-----	-----	-----	-----
DENVER	-----	-----	-----	106.0	93.5	16.9	16.9
UPPER ARAPAHOE	-----	-----	-----	106.0	160.2	28.9	28.9
LOWER ARAPAHOE	-----	-----	-----	-----	-----	-----	-----
LARAMIE-FOX HILLS	106.0	197.3	31.4	-----	-----	-----	31.4

USE TOP = 1010

BOTTOM = 1300

ST = 195

Best Copy Available



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 6, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Tracy Doran, Manager
Upper Black Squirrel Creek GWMD
520 Colorado Avenue, #C
Calhan, CO 80808

RE: Applications for Determinations of Water Right, Section 37-90-107(7), C.R.S.
Laramie-Fox Hills and Arapahoe Aquifers
Applicant: Grand View Partners, LLC, Receipt Nos. 3606117C-D

Dear Ms. Doran:

If the Board of Directors of your district wishes to provide written comments or recommendations concerning the above applications, please provide such recommendations within 35 days of the date of this letter.

Pursuant to Section 37-90-107(7), C.R.S., the Ground Water Commission shall have the authority to approve determinations of rights to designated ground water in the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers. These applications are being processed and evaluated in accordance with this section and other applicable statutes, the Designated Basin Rules, Ground Water Commission guidelines or policies, and policies as directed by the State Engineer. Information in comments or recommendations provided by the district shall be reviewed by the staff as part of the application evaluation process.

If you have any questions regarding these applications, please call me.

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basins Branch

Attachment: a/s

cc: Grand View Partners, LLC

Office of the State Engineer

C:\Documents and Settings\gmb\My Documents\CO Designated Basins Tools Determinations\Grand View Partners\Determinations\GWMD - GVP.doc
1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

www.water.state.co.us

Best Copy Available



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 6, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Grand View Partners, LLC
20825 JD Johnson Road
Peyton, CO 80831

RE: Applications for Determinations of Water Right to Appropriate Ground Water from the Laramie-Fox Hills and Arapahoe Aquifers Underlying Three Adjacent Tracts Totaling 106 Acres, Receipt Nos. 3606117C-D, Applicant: Grand View Partners, LLC

Dear Applicant:

Enclosed is a copy of the legal notice to be published in the *Ranchland News* newspaper as required for the above-described applications. If you find any error or omission in the notice, please contact me by phone as soon as possible so that corrections may be made prior to publication.

This office will bill the applicant at a later time for the actual cost of this publication. If you have any questions, please call me.

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basins Branch

Enclosures: a/s

cc: Upper Black Squirrel Creek GWMD

Office of the State Engineer

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

www.water.state.co.us



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 6, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Ranchland News
PO Box 307
Simla, CO 80835

To Whom It May Concern:

Please publish the enclosed legal notice in your editions of October 9 and 16, 2008, or as close to these dates as possible. Please single-space all the enclosed material in your standard single column legal notice format. Font size shall not be less than six-point type and not more than nine-point in size.

Prior to publishing the legal notice, a "proof copy" must be submitted to this office for approval. This "proof copy" will be inspected by the Division staff and a reply as to its correctness will be made immediately by phone or in writing. This "proof copy" should be directed my attention at the above address by mail or by **FAX at 303-866-3589**.

Upon publication, please send a copy of the newspaper, in which the notice is printed, to my attention at the above address. This copy is needed immediately to respond to questions from the general public.

Please submit four copies of your billing, including the cost of the single copy of the newspaper and postage and handling to:

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

We have been advised by the State Controller and the State Purchasing Agent that we must request four copies of the billing and four copies of the proof of publication. Two copies of the proof of publication must be notarized. Since we must re-bill the applicant prior to approval, please transmit the billing and proofs of publication as soon as possible.

Office of the State Engineer

Ranchland News
October 6, 2008
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "G. Michael Bender".

G. Michael Bender, PE
Water Resource Engineer

Enclosure (a/s)

cc: Applicant
Upper Black Squirrel Creek GWMD
George H. Schubert, Colorado Ground Water Commission

BEFORE THE COLORADO GROUND WATER COMMISSION

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER
BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT - EL PASO
COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Grand View Partners, LLC (hereinafter "applicant") has applied for determinations of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills and Arapahoe aquifers underlying 106 acres generally described as the western 1,752 feet of the Southwest quarter of Section 33, Township 13 South, Range 63 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above-described aquifers under this property. The ground water allocations from these aquifers will be used on the described property for the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be allocated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above-described aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for allocation from each of the described aquifers underlying the above-described property to be as follows: 31.0 acre-feet for the Laramie-Fox Hills and 27.8 acre-feet for the Arapahoe, subject to final staff evaluation. The estimated available annual acre-feet allocation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the above aquifers underlying the above-described property to be as follows: nontributary for the Laramie-Fox Hills and not-nontributary (4% replacement) for the Arapahoe.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed allocation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 106-acre property.

Any person wishing to object to the approval of these determinations of water right must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by November 17, 2008.

PUBLISHER'S AFFIDAVIT

STATE OF COLORADO)
COUNTY OF ELBERT) ss.

I, Susan Lister, do solemnly affirm that I am the Publisher of RANCHLAND NEWS; that the same is a weekly newspaper published at Simla, County of Elbert, State of Colorado, and has a general circulation therein; that said newspaper has been continuously and uninterruptedly published in said County of Elbert for a period of at least 52 consecutive weeks next prior to the first publication of the annexed notice, that said newspaper is entered in the post office at Calhan, Colorado as second class mail matter and that said newspaper is a newspaper within the meaning of the Act of the General Assembly of the State of Colorado, approved March 30, 1923, and entitled "Legal Notices and Advertisements," with other Acts relating to the printing and publishing of legal notices and advertisements. That the annexed notice was published in the regular and entire issue of said newspaper, once each week for 2 successive weeks; that the first publication of said notice was in the issue of said newspaper dated:

October 9, 2008

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

October 16, 2008

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

Susan Lister
Publisher

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

16 day of October, 2008
Nikki Riste
Notary Public

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

RECEIVED

OCT 21 2008

WATER RESOURCES
STATE ENGINEER
COLO

Best Copy Available

Ranchland News
115 Sioux Avenue, PO Box 307
Simla CO 80835

Invoice

10/ 9/2008
DATE

NUMBER

20

RECEIVED

OCT 21 2008

WATER RESOURCES
STATE ENGINEER
COLO

ID# 192

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

Date	Description	Units	Amount
10/09/2008	Legal - 11.5 Picas Grand View Partners, LLC, Legal 13,246	78.000	38.53
10/16/2008	Legal - Rerun - 11.5 Picas Grand View Partners, LLC, Legal 13,246	78.000	26.91
***** Total			65.44



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 30, 2008

RECEIVED

NOV 18 2008

WATER RESOURCES
STATE ENGINEER
COLO.

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Grand View Partners, LLC
20825 JD Johnson Road
Peyton, Co 80831

Invoice No. 09-PUB-46

INVOICE

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

Your application for determination of water rights to appropriate ground water from the Laramie-Fox Hills and Arapahoe aquifers was published in the *Ranchland News* newspaper on October 9 and 16, 2009.

The following cost was incurred:

1. Actual cost of publication: \$ 65.44
2. Additional fees: none

PAYABLE TO: DIVISION OF WATER RESOURCES \$ 65.44

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

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

Sincerely,



G. Michael Bender, P.E.
Water Resource Engineer
Designated Basin Branch

Trans Number: 3635148
11/18/2008 1:48:35 PM
Gross Total: (21)
Total Trans Amt: \$65.44
CHECK
Check Number: 1024
Check Amount: \$65.44

C:\Documents and Settings\gmb\My Documents\Designated Basins Tools\Determinations\Grand View Partners\Invoice No. 09-46 10-30-08.doc

Office of the State Engineer

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

www.water.state.co.us



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

December 22, 2008

Grand View Partners, LLC
20825 JD Johnson Road
Peyton, CO 80831

RE: Determination of Water Right

Dear Grand View Partners, LLC:

Enclosed are 2 copies of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. **1939-BD**, for the allocation of ground water in the **Laramie-Fox Hills** aquifer. This Findings and Order is the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

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

If you have any questions, please contact this office.

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basins Branch

enclosures: a/s

Office of the State Engineer

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

www.water.state.co.us

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO
ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK
DESIGNATED GROUND WATER BASIN

APPLICANT: GRAND VIEW PARTNERS, LLC

AQUIFER: ARAPAHOE

DETERMINATION NO.: 1940-BD

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

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on July 7, 2006.
2. The applicant requests a determination of rights to designated ground water in the Arapahoe Aquifer (hereinafter "aquifer") underlying 106 acres, generally described as the western 1,752 feet of the Southwest quarter of Section 33, Township 13 South, Range 63 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated July 5, 2006, the applicant owns the 106 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above-described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above-described 106-acre land area.
6. The quantity of water in the aquifer underlying the 106 acres of land claimed by the applicant is 2,883 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 160 feet.
7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
 8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum allowed average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 106 acres of overlying land claimed by the applicant is 28.8 acre-feet.
 9. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the maximum average annual amount of ground water available for allocation from the aquifer underlying the 106 acres of land claimed by the applicant is reduced to 27.8 acre-feet to allow for the annual withdrawal of a small capacity well which is completed in the aquifer, permit number 267061. Except for this well, review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
 10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
 11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
 12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
 13. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.

14. On October 6, 2008, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the *Ranchland News* newspaper on October 9 and 16, 2008.
17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.
18. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Arapahoe Aquifer underlying 106 acres of land, generally described as the western 1,752 feet of the Southwest quarter of Section 33, Township 13 South, Range 63 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 27.8 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
21. 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.
22. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The place of use shall be limited to the above-described 106-acre land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above-described 106-acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above-described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the allocated annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above-described 106-acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Arapahoe Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.
 - f. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

Applicant: Grand View Partners, LLC
Aquifer: Arapahoe
Determination No.: 1940-BD

Page 5

26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the claimed overlying land is located so that a title examination of the above-described 106-acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 22nd day of December, 2008.



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

By: 

Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: GMB

FIND-1208-02

EXHIBIT A

Page 1 of 2

GWS-1 (Rev, Sept 1996)

1940-BD
STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Grand View Partners, LLC

(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 106 acres in the County of El Paso, State of Colorado:

See Attached Legal Description

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

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

Catherine Brown Swain, President 7/5/06
Grand View Partners, LLC (Date)

Catherine Brown-Swain 7/5/06
(Date)

INSTRUCTIONS:

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

RECEIVED

Page 2 of 2

1940-BD

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

Tract 1:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of 6th P.M. El Paso County, State of Colorado, described as follows:

Beginning at the Southwest corner of said Section 33, said point being the Point of Beginning of a tract of land described herein; thence North 00°30'32" East coincident with the West line of said Section 33, a distance of 2,633.71 feet; thence South 89°29'18" East, a distance of 600.35 feet; thence South 00°52'15" West, a distance of 2,633.76 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 2:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South 89°29'18" East coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning of a tract of land described herein; thence North 00°52'15" East, a distance of 2,633.76 feet; thence South 89°29'18" East, a distance of 577.00 feet; thence South 00°43'29" West, a distance of 2,633.72 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities. And a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 3:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South 89°29'18" East coincident with the South line of said Section 33, a distance of 1,167.44 feet to the Point of Beginning of a tract of land described herein; thence North 00°43'29" East, a distance of 2,633.72 feet; thence South 89°29'18" East, a distance of 577.00 feet; thence South 00°34'42" West, a distance of 2,633.71 feet; thence North 89°29'18" West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the North boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

5708

m rk

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

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

Please note: This application may only be used to apply for a determination of rights to ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer underlying land areas located within a Designated Ground Water Basin. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Ground Water Commission with a non-refundable \$440 filing fee. A separate form must be used for each aquifer determination. Type or print in black ink.

1. APPLICANT INFORMATION

Name of Applicant

Grand View Partners, LLC

Applicant Mailing Address

20825 JD Johnson Road, Peyton, CO 80831

Applicant Telephone Number (include area code) 719-683-2157

2. AMOUNT OF OVERLYING LAND - the total land area claimed and described by the applicant in Item #8 below, consisting of 106 acres.

3. AQUIFER

Arapahoe

4. EXISTING WELLS - Are there any wells located on the claimed and described overlying land? Yes _____ No X
If yes, provide a complete list of all wells located on the overlying land area as an attachment to this application.

5. ANNUAL AMOUNT OF GROUND WATER - to be withdrawn, for intended beneficial uses, from the aquifer underlying the described land area claimed by the applicant in Item #8 below. Please specify one of the following:

☒ Maximum allowable annual acre-feet ☐ _____ acre-feet annually ☐ Maximum allowable annual acre-feet, excluding _____ acre-feet from that amount

6. USE OF GROUND WATER - description of intended beneficial uses of the ground water to be withdrawn from the aquifer

Domestic, commercial, industrial, irrigation, stock watering and replacement supply

7. PLACE OF USE - of the ground water shall be considered to be that overlying land area claimed and described by the applicant in Item #8 below, unless a legal description or accurate scale map is provided which describes an alternate/additional place of use.

8. REQUIRED LANDOWNERSHIP DOCUMENTATION - The Ground Water Commission shall allocate ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer on the basis of ownership of overlying land. For this reason, a Nontributary Ground Water Landownership Statement (form GWS-1) or Nontributary Ground Water Consent Claim (form GWS-48), including a description of the overlying land area subject to this determination, must be submitted as an attachment to the application.

9. SIGNATURE OF APPLICANT - must be original signature - The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.

Signature

Date

7/5/06

print name and title

Grand View Partners, LLC Catherine Brown-Swain, President Grand View Partners, LLC

FOR OFFICE USE ONLY

Trans Number: 3606117
7/10/2006 8:49:41 AM
Jay Bloomfield (16)
Total Trans Amt: \$240.00
CREDIT CARD
Tender Amount: \$240.00

8 10 4 12

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

TO:

COLORADO GROUND WATER COMMISSION
DIVISION OF WATER RESOURCES
1313 SHERMAN ST, RM 818
DENVER, CO 80203

**WAIVER OF CLAIM OF INJURY-SUBJECT TO RULE 5.3.7.1
OF THE DESIGNATED BASIN RULES**

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

ARAPAHOE AQUIFER

As applicant(s) for the attached application for determination of water right, I (we) hereby waive all claim of injury which may arise from the proximity of wells which may be permitted in accordance with the applied for determination to each other. Such waiver would allow for the location of such wells within 600 feet of another well permitted in accordance with the determination and located on the described overlying land area.

I(we) understand that such a well must be located more than 600 feet from any existing large capacity well completed in the same aquifer and located outside of the described overlying land area.

Katherine Brown-Sullivan, President 7/5/06
Grand View Partners LLC Date

MacDOUGALL, WOLDRIDGE & WORLEY, P.C.
530 Communication Circle, #204
Colorado Springs, CO 80905-1743

M E. MacDouqall
Julianne M. Woldridge
Henry D. Worley

hworley@waterlaw.tv

Telephone
(719) 520-9288
Fax
(719) 520-9447

RECEIVED
JUL 07 2006
WATER RESOURCES
STATE ENGINEER
COLO.

June 26, 2006

Colorado Ground Water Commission
1313 Sherman Street, 8th Floor
Denver, Colorado 80203

To Whom It May Concern:

This letter accompanies the application of Grand View Partners, LLC, for a determination of water rights in the Arapahoe aquifer underlying its land in the SW ¼ Section 33, T. 13S., R. 63W., El Paso County, Colorado.

As you can see from the enclosed copy of the deed to Grand View Partners, the seller, Doolie Investments, LLC, attempted to reserve to itself all of the water in the Arapahoe aquifer. For the following reasons, I believe that this attempted reservation was ineffective, and that Grand View Partners has the legal ability to apply for and obtain a determination of water rights for the Arapahoe aquifer water underlying its property.

For ease of reference, the purported reservation reads as follows:

Except all groundwater in the Denver aquifer. Seller grants the right to withdraw one (1) acre-foot per year through an exempt/small capacity well completed into the Arapahoe aquifer underlying and associated with the land. All remaining Arapahoe aquifer and all of the Laramie-Fox Hills aquifer underlying the land will be reserved by the Seller.

First, I believe that the case law is reasonably clear that a landowner may either reserve to itself or convey to a third party the inchoate right to appropriate unadjudicated Denver Basin ground water, both inside and outside of designated basins. This conclusion is supported by language in Colorado Ground Water Commission v. North Kiowa-Bijou Groundwater Management District, 77 P.3d 62 (Colo. 2003) at page 78: "And, as in the case of landowners in nondesignated portions of the Denver Basin, this inchoate right (to appropriate ground water) may be severed from the land but does not vest until a determination of a water use right is made pursuant to § 37-90-107(7)."

RECEIVED

JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLORADO

The same conclusion may be made from a review of Bayou Land Co. v. Talley, 924 P.2d 136,136 (Colo. 1996): "We now conclude that landowners do have a right to withdraw nontributary ground water underlying their land even in the absence of formal water court adjudication. This right is defined by statute and is presumed to be conveyed by a deed for the land *unless excepted from that deed by express reservation*" (Emphasis added.)

However, that is not the case here. Instead, this situation is virtually identical to the situation which occurred in Chatfield East Well Co. Ltd., v. Chatfield East Property Owners Assoc., 956 P.2d 1260 (Colo. 1998). In that case, the developer of a subdivision conveyed lots in the subdivision which contained the following language in all of the deeds: "Reserving unto the Grantor all underground nontributary water and Grantees hereby consent to the use of said water upon any land or area, regardless of where located." The subdivider later gave a deed purporting to convey the Arapahoe aquifer to the Well Company, which then applied for an adjudication of the water in the Arapahoe aquifer. The lot purchasers (and others, including the State Engineer) opposed the application. The water court dismissed the Well Company's application, and the Supreme Court affirmed that decision.

The Chatfield East case appears to have been decided by some combination of about three different reasons. However, for purposes of this analyzing this issue, the key appears to have been the fact that the language of reservation attempted to reserve water, rather than the developer's inchoate right to appropriate the water. The Supreme Court held that one cannot reserve the water itself. The Court's discussion of this issue begins toward the middle of page 1268 of the opinion, and its conclusion is as follows:

The Well Company's theory of ownership and title to nontributary water is clearly contrary to law, and we reject it. Colorado law allows for the vesting of water use rights, not water ownership reservations. Regardless of what the parties intended, one cannot transfer property one does not own. See Tilbury v. Osmundson, 143 Colo. 12, 15 —16, 352 P.2d 102, 104 (1960) ("Land cannot be transferred by the intend of the parties alone, especially when the specific words used state less than what was intended. The deed conveys the land actually described, regardless of the mistake of the parties.").

Under the facts of this case, the Development Company when it owned the land had an inchoate statutory right to extract and use Denver Basin aquifer water. It did not own a portion of the state's water resources by virtue of being a landowner. In order to establish a water right in the Arapahoe aquifer, the Development Company had to perfect its use right in compliance with section 37-90-137(4). See Bayou Land, 924 P.2d at 148.

It is my understanding that as of the date of the deed to Grand View Partners on March 16, 2006, no determination of water rights had been issued to Doolie Investments (or anyone else) regarding the Araphoe aquifer underlying Grand View Partners' land. Thus, at the time of the conveyance of the land to Grand View Partners in March 2006, Doolie

RECEIVED

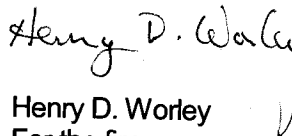
JUL 07 2006

WATER RESOURCES
STATE ENGINEER
COLO.

Investments, like the Well Company, had at most an inchoate right to extract and use the Arapahoe aquifer water underlying the land. *Because no vested property right had been created, the language of reservation used in the deed, which purported to reserve the "Arapahoe aquifer," was insufficient to sever that inchoate right from the land.* As the current owner of the overlying land, Grand View Partners is the only entity which currently possesses that inchoate right. This situation is virtually identical to that of the Chatfield East case, which compels this conclusion.

Please do not hesitate to call me if you need to discuss this matter.

Sincerely yours,


Henry D. Worley
For the firm

c: Catherine Swain
Wm. Curtis Wells

MacDOUGALL, WOLDRIDGE & WORLEY, P.C.

530 Communication Circle, #204
Colorado Springs, CO 80905-1743

M.E. MacDougall
Julianne M. Woldridge
Henry D. Worley

hworley@waterlaw.tv

Telephone
(719) 520-9288
Fax
(719) 520-9447

July 16, 2008

Ms. Catherine Brown-Swain
20825 JD Johnson Road
Peyton, CO 80831-8219

RE: Release, original deed


Dear Catherine:

I am enclosing a copy of the Mutual Release, and the original deed of water rights from Doolie Investments to Grand View Partners. You should submit a copy of the deed with each of your applications for Determinations of Water Rights.

I apologize for my confusion regarding the need for a replacement plan. I had forgotten that the water underlying Grand View's property is "four percent" not nontributary water which does not need a replacement plan, and instead thought it was "actual depletion" not nontributary water which does need a replacement plan. So long as the Arapahoe aquifer water underlying the property is "four percent" water – and Curt Wells says it is – Grand View should not need approval of a replacement plan.

I believe that this brings my work for Grand View Partners to a conclusion. However, if there are any loose ends which still need to be tied up, please don't hesitate to give me a call.

Sincerely yours,



Henry D. Worley
For the firm

Enclosures

Best Copy Available

Exhibit "A"

Tract 1:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of 6th P.M. El Paso County, State of Colorado, described as follows:

Beginning at the Southwest corner of said Section 33, said point being the Point of Beginning of a tract of land described herein; thence North $00^{\circ}30'32''$ East coincident with the West line of said Section 33, a distance of 2,633.71 feet; thence South $89^{\circ}29'18''$ East, a distance of 600.35 feet; thence South $00^{\circ}52'15''$ West, a distance of 2,633.76 feet; thence North $89^{\circ}29'18''$ West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 2:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South $89^{\circ}29'18''$ East coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning of a tract of land described herein; thence North $00^{\circ}52'15''$ East, a distance of 2,633.76 feet; thence South $89^{\circ}29'18''$ East, a distance of 577.00 feet; thence South $00^{\circ}43'29''$ West, a distance of 2,633.72 feet; thence North $89^{\circ}29'18''$ West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities. And a 30 foot easement along the north boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

Tract 3:

A tract of land located in the Southwest 1/4 of Section 33, Township 13 South, Range 63 West of the 6th P.M. El Paso County, State of Colorado, described as follows:

Commencing at the Southwest corner of said Section 33; thence South $89^{\circ}29'18''$ East coincident with the South line of said Section 33, a distance of 1,167.44 feet to the Point of Beginning of a tract of land described herein; thence North $00^{\circ}43'29''$ East, a distance of 2,633.72 feet; thence South $89^{\circ}29'18''$ East, a distance of 577.00 feet; thence South $00^{\circ}34'42''$ West, a distance of 2,633.71 feet; thence North $89^{\circ}29'18''$ West coincident with the South line of said Section 33, a distance of 583.72 feet to the Point of Beginning, County of El Paso, State of Colorado.

Subject to a 30 foot Public Right of Way along all boundary section lines as recorded in the Office of the El Paso County Clerk and Recorder; Book A at Page 78, Book 571 at Page 55, a 30 foot Public Right of Way along both sides of each Section line. Also a 60 foot Public Utility Easement above and below ground, along all property lines for the purpose of overhead and underground utilities; and a 30 foot easement along the North boundary of each lot for the right of ingress and egress. Access is permitted onto Peyton Highway.

ROBERT C. "BOB" BALINK El Paso County, CO

07/11/2008 02:55:48 PM

Doc \$0.00 Page

Rec \$11.00 1 of 2



208079190

QUIT CLAIM DEED

Doolie Investments, LLC, a Colorado limited liability company ("Grantor") whose address is 67527 Oakridge Lane, Montrose, CO 81401, for good and valuable consideration, receipt of which is hereby acknowledged, hereby quitclaims to Grand View Partners, LLC, a Colorado limited liability company whose address is 20825 JD Johnson Road, Peyton, CO 80831, all of Grantor's right, title and interest, including any inchoate rights retained by Grantor pursuant to that deed recorded at reception no. 206042351 of the records of the El Paso County Clerk and Recorder, in and to the water and water rights in the Arapahoe and Laramie-Fox Hills aquifers underlying the real property described in Exhibit "A" hereto, and also including all water rights associated with or appurtenant to the existing well on the real property described in Exhibit "A".

Dated: 6-30-08

Doolie Investments, LLC

By: 

Michael J. Koepke

STATE OF COLORADO)

) ss:

COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me on June 30th, 2008,
by Michael J. Koepke, managing member of Doolie Investments, LLC.

Witness my hand and official seal.

My commission expires: 5/15/10


Notary Public

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

APPLICANT: **Grand View Partners, LLC**

BASIN: Upper Black Squirrel Creek GWMD: Upper Black Squirrel Creek

COUNTY: El Paso

AQUIFER: **Arapahoe** RECEIPT NO. 3606117C

NUMBER OF ACRES IN TRACT: 106

GENERAL LOCATION: Part of SW $\frac{1}{4}$ Section 33, Township 13 South, Range 63 West, 6th PM

AQUIFER DATA

AMOUNT AVAILABLE FOR APPROPRIATION: (160 feet SS)(106 Acres)(0.17 SY) = 2883 AF 28.8 AFyr

ADJUSTMENTS: *permit # 267061, issued for 1 AF/YR* 1.0 AFyr

ANNUAL AMOUNT: 27.8 AFyr

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

OVERLAP AREA: None

AREA CHECKED: Sections 27, 28, 29, 32, 33, & 34, T13S, R63W and Sections 3, 4, & 5, T14S, R63W

SMALL-CAPACITY WELLS (COMPLETED IN AQUIFER) LOCATED ON CLAIMED TRACT: None

REPLACEMENT WATER STATUS OF CLAIMED LAND AREA: **Not-nontributary** (4%)

REPLACEMENT PLAN REQUIRED: No

AQUIFER INTERVAL (CENTRAL DATA POINT): from 210 to 720 feet bgs

COMMENTS:

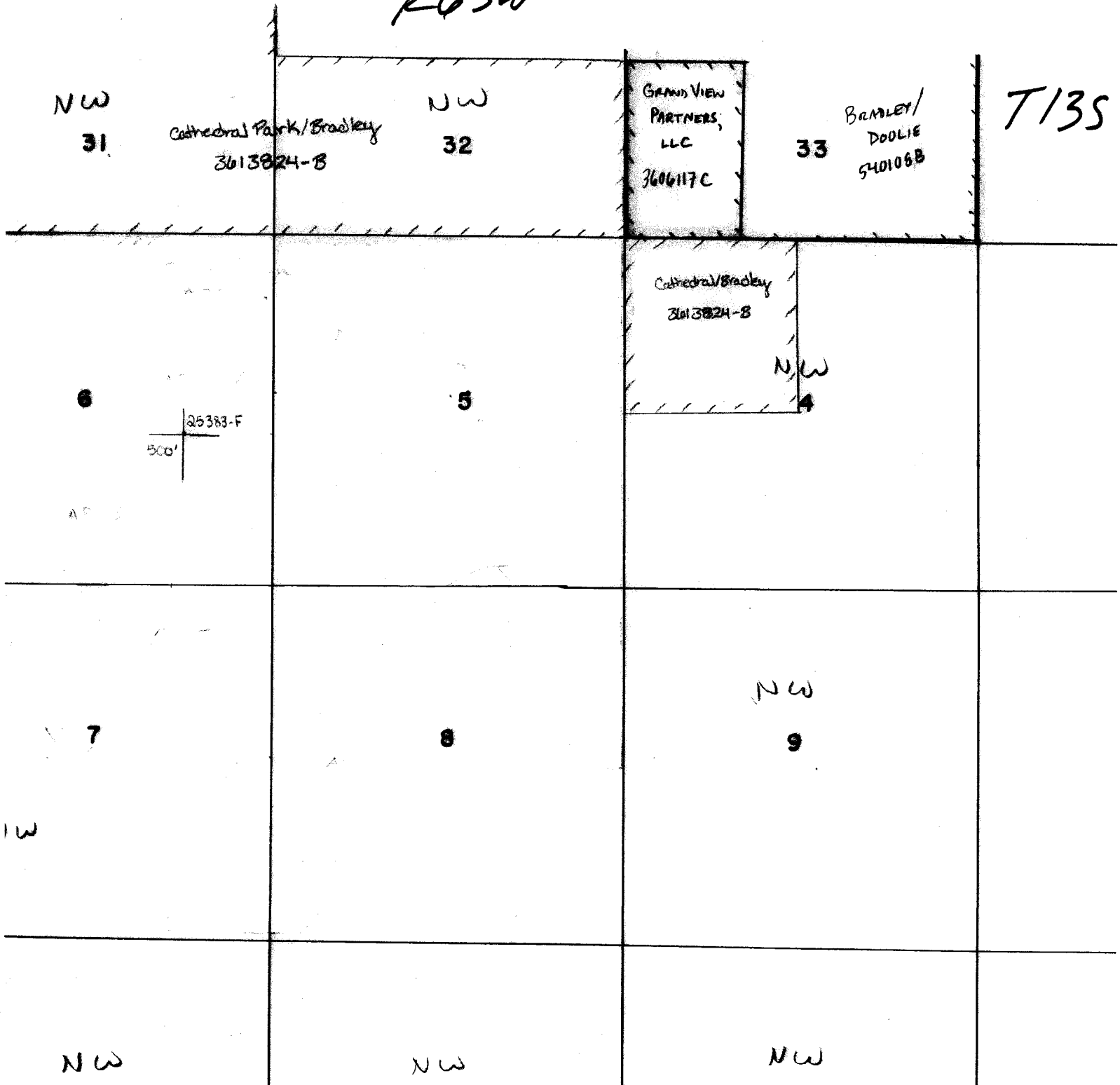
Evaluated by G. Michael Bender, Ground Water Commission Staff
Reviewed by KVH ✓ *6-24-09*

Best Copy Available

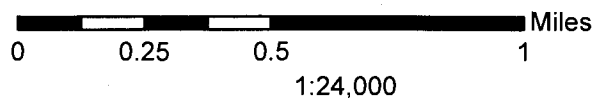
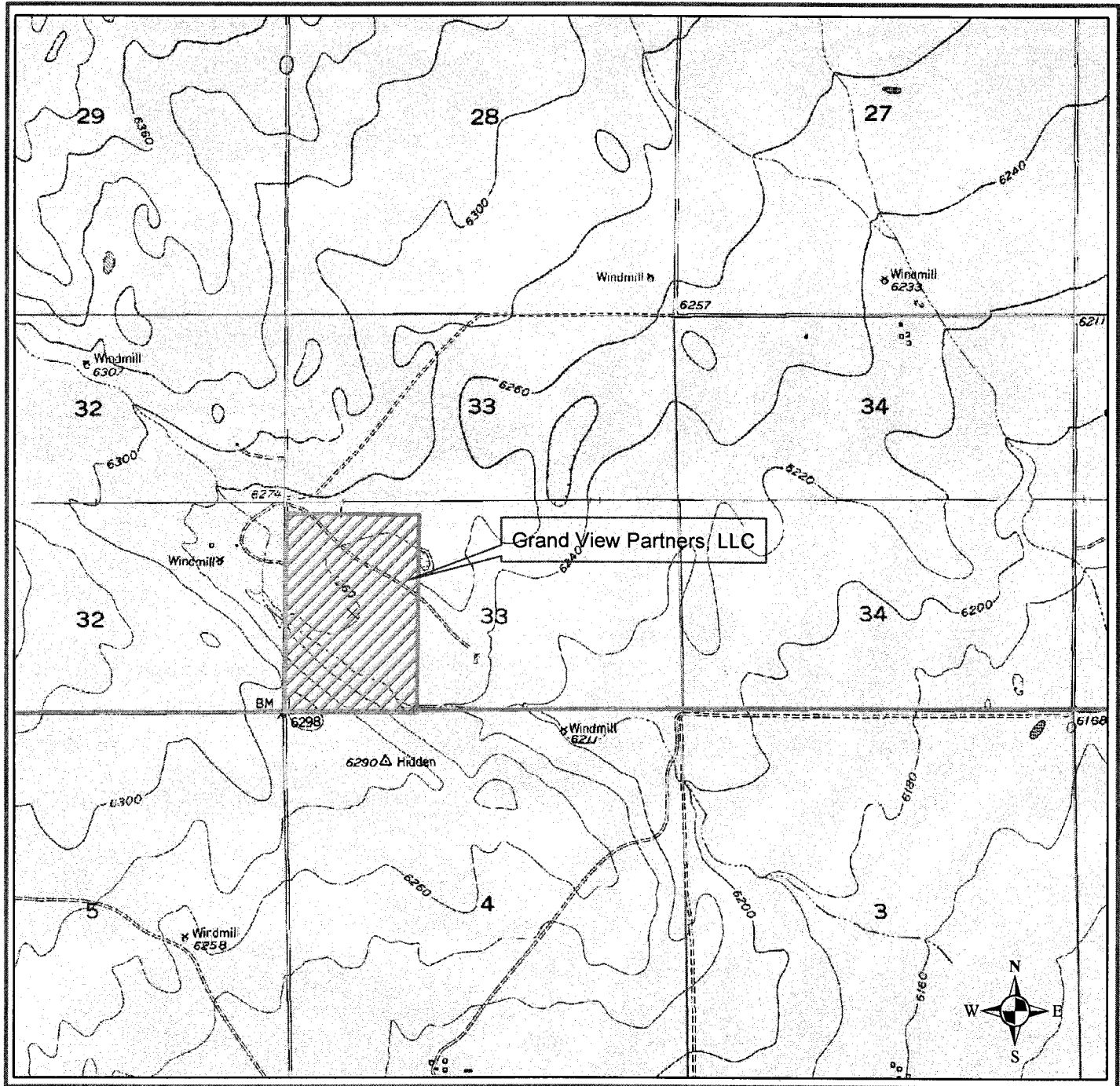
61E
Ka
ELLICOTT

R63W

T13S



Colorado Division of Water Resources
Designated Basins Branch



Legend

ebt_work

pueblo_83.sid

RGB Composite

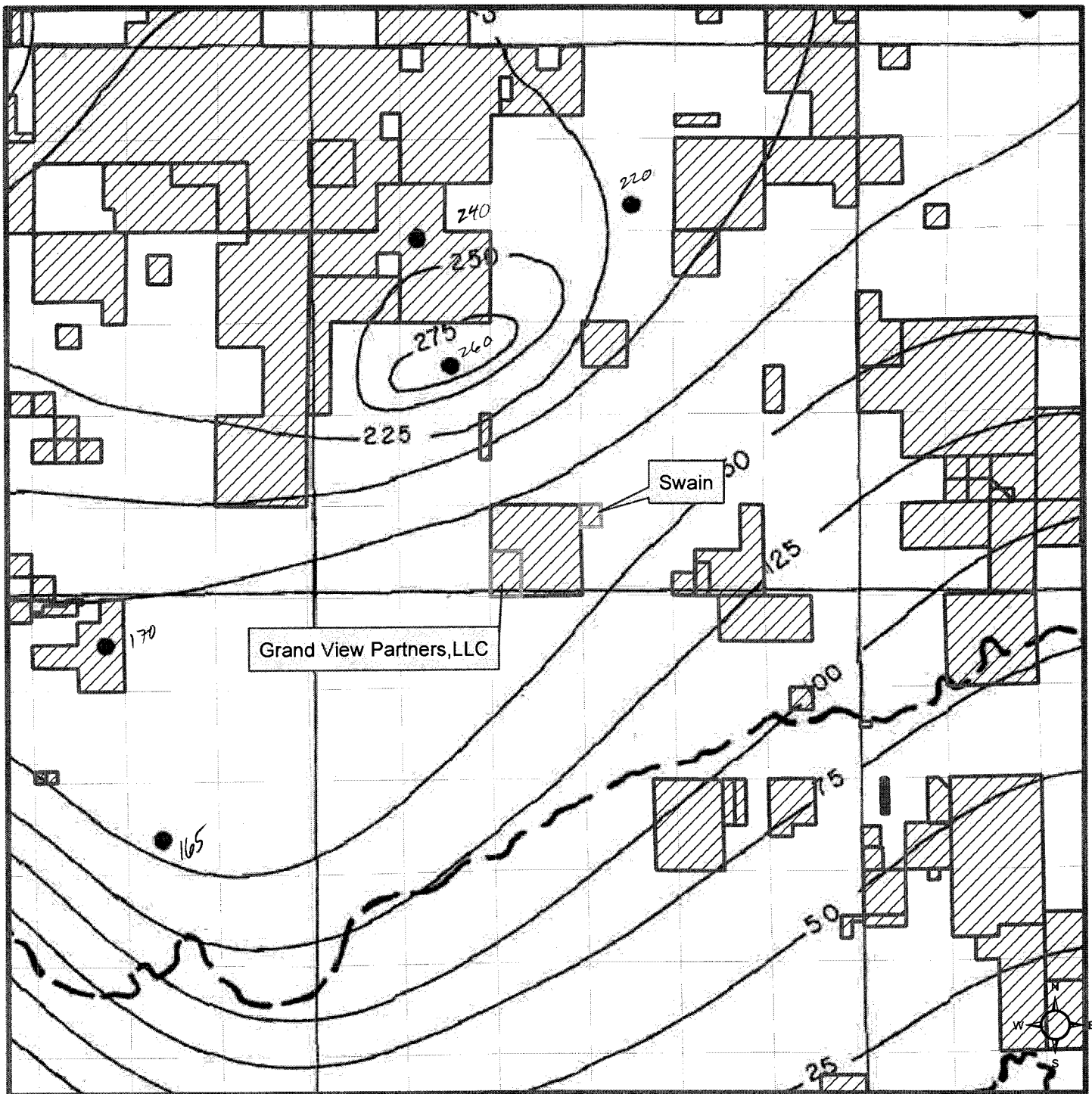
Red: Band_1
 Green: Band_2
 Blue: Band_3

Notes:

Applicant: Grand View Partners, LLC	Claimed Area Evaluation
Determination of Water Right	
Rec. Nos. 3606117 C & D	
Aquifers: Klf & Ka	106 acres claimed
UBSC DGWB (4-12)	106 acres measured
Loc: 33-T13S-R63W	p = 2673 m
	e = 4.5 acres



DIVISION OF WATER RESOURCES
STATE OF COLORADO



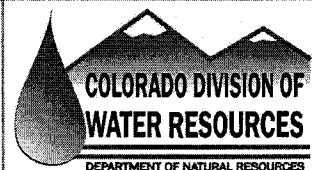
0 0.5 1 2 3 4 Miles

1:100,000

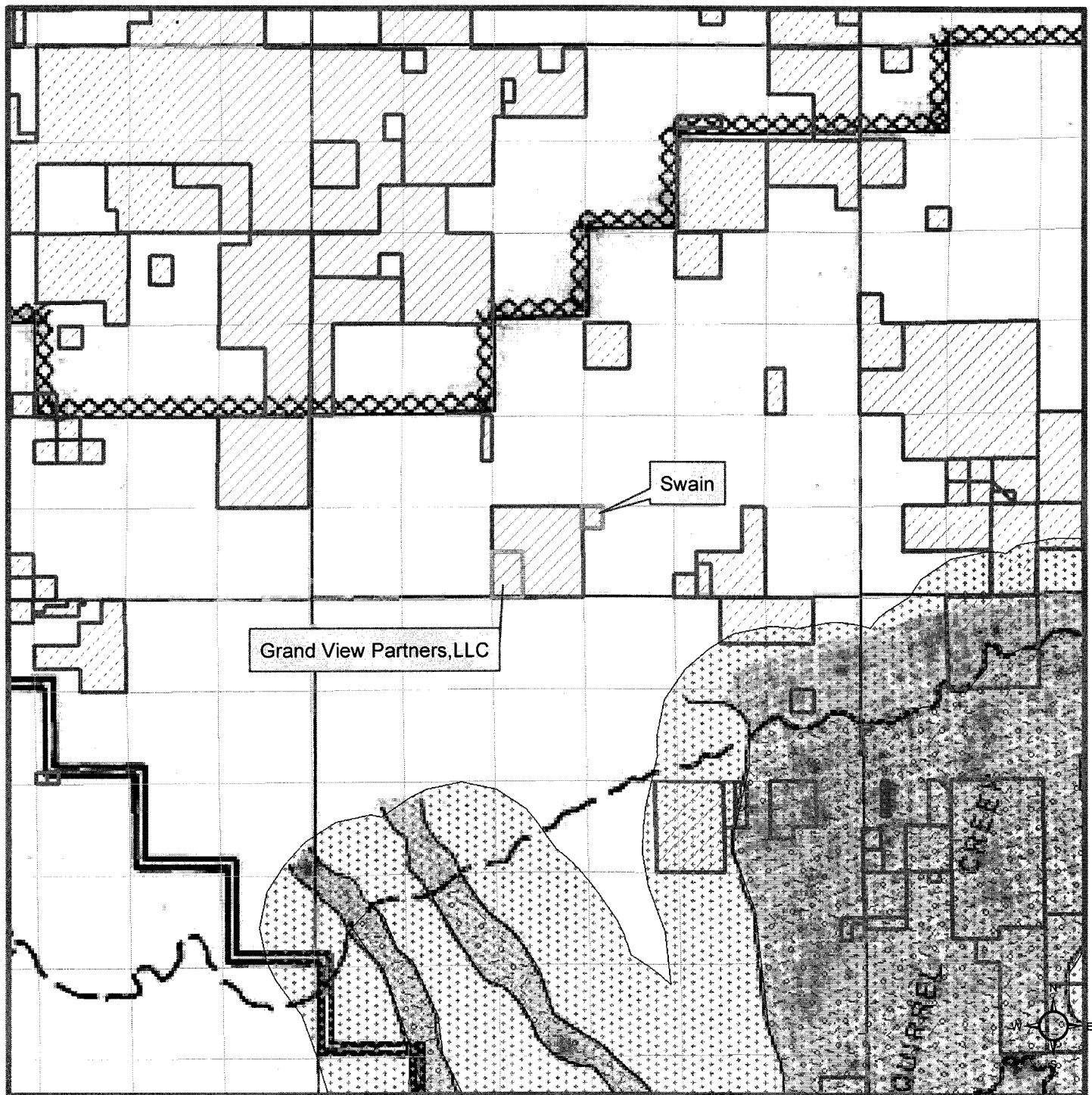
SATURATED SANDS - ARAPAHOE AQUIFER

NOTES:

Applicants: Grand View Partners and Swain, Tim & Catherine
Application: DWR
Rec. Nos. 3606117 A-D
UBSC DGWB
Aquifers: Klf, Ka
Loc. 33 & 34-13S-63W



DIVISION OF WATER RESOURCES
STATE OF COLORADO



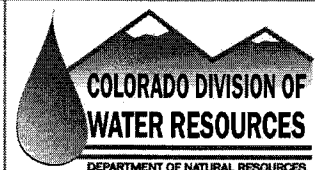
0 0.5 1 2 3 4 Miles

1:100,000

TRIBUTARY STATUS - ARAPAHOE AQUIFER
NNT (4%)

NOTES:

Applicants: Grand View Partners and Swain, Tim & Catherine
Application: DWR
Rec. Nos. 3606117 A-D
UBSC DGWB
Aquifers: Klf, Ka
Loc. 33 & 34-13S-63W



OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1148

WELL PERMIT NUMBER 267061
DIV. 8 WD 10 DES. BASIN 4 MD 12

APPLICANT

DOOLIE INVESTMENTS LLC
23370 UNCOMPAHGRE RD
MONTROSE, CO 81401-8773

(970) 240-1112

Lot: 1 Block: Filing: 3 Subdiv: GRANDVIEW RANCH

APPROVED WELL LOCATION

EL PASO COUNTY
NW 1/4 SW 1/4 Section 33
Township 13 S Range 63 W Sixth P.M.

DISTANCES FROM SECTION LINES

2950 Ft. from North Section Line
320 Ft. from West Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-105 for a change of source from that permitted under permit no. 266594. Issuance of this permit cancels permit no. 266594.
- 4) Water from this well may be used for domestic purposes inside 1 single family dwelling(s), and the watering of the owner's own large non-commercial domestic animals.
- 5) The pumping rate of this well shall not exceed 15 GPM.
- 6) The annual withdrawal of ground water from this well shall not exceed 1 acre-foot.
- 7) The irrigated area shall not exceed 1 acre of lawn and garden.
- 8) Production is limited to the Arapahoe aquifer which is located 215 feet below land surface and extends to a depth of 725 feet. Plain casing must be installed and grouted to prevent the withdrawal of ground water from other aquifers and the movement of ground water between aquifers.
- 9) This well shall be constructed within 300 feet of the location specified on this permit.

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

APPROVED
SMJ

Hal D. Simpson

State Engineer

Sandy Johnson

By

Receipt No. 0546739

DATE ISSUED 12-15-2005

EXPIRATION DATE 12-15-2007

SB5 for Des Bsn WR Appl 3606117C-D, Grand View Partners LLC

Central Point

LOCATION: SW1/4 OF SW1/4 OF SEC. 33, T.13S., R.63W. (1320 SSL, 875 WSL)
LOCATION IS WITHIN THE UPPER BLACK SQUIRREL DESIGNATED GROUND
WATER BASIN

Ground Elevation: 6260

Number of Acres: 106

AQUIFER	ELEVATION		NET SAND	DEPTH TO		ANNUAL APPROP A-F	STATUS
	BOT.	TOP		BOT.	TOP		
UPPER DAWSON	----	----	----	----	----	----	---
LOWER DAWSON	----	----	----	----	----	----	---
DENVER	6073	6254	93.8	187	6	16.90	NNT
UPPER ARAPAHOE	5543	6050	<u>160.4</u>	<u>717</u>	<u>210</u>	28.91	NNT
LOWER ARAPAHOE	----	----	----	----	----	----	---
LARAMIE-FOX HILLS	4960	5252	197.3	1300	1008	31.38	NT

note: E indicates location is at aquifer boundary and values may be more approximate.

Areal Evaluation

ANNUAL APPROPRIATION FOR A 106 ACRE TRACT LOCATED:

SEC.	TWP	RNG	ACRES
----	----	----	----
33	13S	63	106

AQUIFER	DESIGNATED BASINS						TOTAL ANNUAL APPROP
	NON-TRIBUTARY			NOT NON-TRIBUTARY			
	ACRES	AVERAGE SAT.	ANNUAL APPROP	ACRES	AVERAGE SAT.	ANNUAL APPROP	
UPPER DAWSON	-----	-----	-----	-----	-----	-----	-----
LOWER DAWSON	-----	-----	-----	-----	-----	-----	-----
DENVER	-----	-----	-----	106.0	93.5	16.9	16.9
UPPER <u>ARAPAHOE</u>	-----	-----	-----	106.0	<u>160.2</u>	28.9	28.9
LOWER ARAPAHOE	-----	-----	-----	-----	-----	-----	-----
LARAMIE-FOX HILLS	106.0	197.3	31.4	-----	-----	-----	31.4

USE TOP = 210

BOTTOM = 720

ST = 160



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 6, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Tracy Doran, Manager
Upper Black Squirrel Creek GWMD
520 Colorado Avenue, #C
Calhan, CO 80808

RE: Applications for Determinations of Water Right, Section 37-90-107(7), C.R.S.
Laramie-Fox Hills and Arapahoe Aquifers
Applicant: Grand View Partners, LLC, Receipt Nos. 3606117C-D

Dear Ms. Doran:

If the Board of Directors of your district wishes to provide written comments or recommendations concerning the above applications, please provide such recommendations within 35 days of the date of this letter.

Pursuant to Section 37-90-107(7), C.R.S., the Ground Water Commission shall have the authority to approve determinations of rights to designated ground water in the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers. These applications are being processed and evaluated in accordance with this section and other applicable statutes, the Designated Basin Rules, Ground Water Commission guidelines or policies, and policies as directed by the State Engineer. Information in comments or recommendations provided by the district shall be reviewed by the staff as part of the application evaluation process.

If you have any questions regarding these applications, please call me.

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basins Branch

Attachment: a/s

cc: Grand View Partners, LLC

Office of the State Engineer

C:\Documents and Settings\gmb\My Documents\1. Designated Basins Tools Determinations\Grand View Partners\Determinations\GWMD, GVP.doc
1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

www.water.state.co.us



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 6, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Grand View Partners, LLC
20825 JD Johnson Road
Peyton, CO 80831

RE: Applications for Determinations of Water Right to Appropriate Ground Water from the Laramie-Fox Hills and Arapahoe Aquifers Underlying Three Adjacent Tracts Totaling 106 Acres, Receipt Nos. 3606117C-D, Applicant: Grand View Partners, LLC

Dear Applicant:

Enclosed is a copy of the legal notice to be published in the *Ranchland News* newspaper as required for the above-described applications. If you find any error or omission in the notice, please contact me by phone as soon as possible so that corrections may be made prior to publication.

This office will bill the applicant at a later time for the actual cost of this publication. If you have any questions, please call me.

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basins Branch

Enclosures: a/s

cc: Upper Black Squirrel Creek GWMD

Office of the State Engineer

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

www.water.state.co.us



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 6, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Ranchland News
PO Box 307
Simla, CO 80835

To Whom It May Concern:

Please publish the enclosed legal notice in your editions of October 9 and 16, 2008, or as close to these dates as possible. Please single-space all the enclosed material in your standard single column legal notice format. Font size shall not be less than six-point type and not more than nine-point in size.

Prior to publishing the legal notice, a "proof copy" must be submitted to this office for approval. This "proof copy" will be inspected by the Division staff and a reply as to its correctness will be made immediately by phone or in writing. This "proof copy" should be directed my attention at the above address by mail or by **FAX at 303-866-3589**.

Upon publication, please send a copy of the newspaper, in which the notice is printed, to my attention at the above address. This copy is needed immediately to respond to questions from the general public.

Please submit four copies of your billing, including the cost of the single copy of the newspaper and postage and handling to:

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

We have been advised by the State Controller and the State Purchasing Agent that we must request four copies of the billing and four copies of the proof of publication. Two copies of the proof of publication must be notarized. Since we must re-bill the applicant prior to approval, please transmit the billing and proofs of publication as soon as possible.

Office of the State Engineer

Ranchland News
October 6, 2008
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "G. Michael Bender".

G. Michael Bender, PE
Water Resource Engineer

Enclosure (a/s)

cc: Applicant
Upper Black Squirrel Creek GWMD
George H. Schubert, Colorado Ground Water Commission

BEFORE THE COLORADO GROUND WATER COMMISSION

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER
BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT – EL PASO
COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Grand View Partners, LLC (hereinafter "applicant") has applied for determinations of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills and Arapahoe aquifers underlying 106 acres generally described as the western 1,752 feet of the Southwest quarter of Section 33, Township 13 South, Range 63 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above-described aquifers under this property. The ground water allocations from these aquifers will be used on the described property for the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be allocated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above-described aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for allocation from each of the described aquifers underlying the above-described property to be as follows: 31.0 acre-feet for the Laramie-Fox Hills and 27.8 acre-feet for the Arapahoe, subject to final staff evaluation. The estimated available annual acre-feet allocation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the above aquifers underlying the above-described property to be as follows: nontributary for the Laramie-Fox Hills and not-nontributary (4% replacement) for the Arapahoe.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed allocation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 106-acre property.

Any person wishing to object to the approval of these determinations of water right must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by November 17, 2008.

PUBLISHER'S AFFIDAVIT

Best Copy Available

STATE OF COLORADO)
COUNTY OF ELBERT) ss.

I, Susan Lister, do solemnly affirm that I am the Publisher of RANCHLAND NEWS; that the same is a weekly newspaper published at Simla, County of Elbert, State of Colorado, and has a general circulation therein; that said newspaper has been continuously and uninterruptedly published in said County of Elbert for a period of at least 52 consecutive weeks next prior to the first publication of the annexed notice, that said newspaper is entered in the post office at Calhan, Colorado as second class mail matter and that said newspaper is a newspaper within the meaning of the Act of the General Assembly of the State of Colorado, approved March 30, 1923, and entitled "Legal Notices and Advertisements," with other Acts relating to the printing and publishing of legal notices and advertisements. That the annexed notice was published in the regular and entire issue of said newspaper, once each week for 2 successive weeks; that the first publication of said notice was in the issue of said newspaper dated:

October 9, 2008

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

October 16, 2008

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

Susan Lister
Publisher

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

16 day of October, 2008
Sue Lister
Notary Public

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

RECEIVED

OCT 21 2008

WATER RESOURCES
STATE ENGINEER
COLO

Ranchland News
115 Sioux Avenue, PO Box 307
Simla CO 80835

Invoice

10/ 9/2008
DATE

NUMBER

20

RECEIVED

OCT 21 2008

WATER RESOURCES
STATE ENGINEER
COLO

ID# 192

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

Date	Description	Units	Amount
10/09/2008	Legal - 11.5 Picas	78.000	38.53
	Grand View Partners, LLC, Legal 13,246		
10/16/2008	Legal - Rerun - 11.5 Picas	78.000	26.91
	Grand View Partners, LLC, Legal 13,246		
	***** Total		65.44



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 30, 2008

RECEIVED

NOV 18 2008

WATER RESOURCES
STATE ENGINEER
COLO.

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Grand View Partners, LLC
20825 JD Johnson Road
Peyton, Co 80831

Invoice No. 09-PUB-46

INVOICE

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

Your application for determination of water rights to appropriate ground water from the Laramie-Fox Hills and Arapahoe aquifers was published in the *Ranchland News* newspaper on October 9 and 16, 2009.

The following cost was incurred:

1. Actual cost of publication: \$ 65.44
2. Additional fees: none

PAYABLE TO: DIVISION OF WATER RESOURCES

\$ 65.44

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

Please return the enclosed copy of this invoice with remittance within thirty (30) days.

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

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basin Branch

Trans Number: 3635148
11/18/2008 1:49:35 PM
G. Michael Bender (21)
Total Trans Amt: \$65.44
CHECK
Check Number: 1024
Check Amount: \$65.44



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

December 22, 2008

Grand View Partners, LLC
20825 JD Johnson Road
Peyton, CO 80831

RE: Determination of Water Right

Dear Grand View Partners, LLC:

Enclosed are 2 copies of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. **1940-BD**, for the allocation of ground water in the **Arapahoe** aquifer. This Findings and Order is the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

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

If you have any questions, please contact this office.

Sincerely,

G. Michael Bender, P.E.
Water Resource Engineer
Designated Basins Branch

enclosures: a/s

Office of the State Engineer

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

www.water.state.co.us

Joyful View Subdivision

Water Quality

The water quality in the Arapahoe aquifer in this area has typically been suitable for residential potable use. Water samples were obtained from the existing well (well permit #314086) at 19750 Good Life View, via an exterior water tap hose bib. Water samples were obtained from this tap on September 29, 2022, with water quality testing performed by Colorado Analytical Laboratories and Hazen Laboratories, per the El Paso County Land Development Code section 8.4.7(B). Final results from this water quality testing were received on October 25, 2022, and are attached. All results were found to be below primary Maximum Contaminant Limits (MCLs). Fluoride and pH were measured above their secondary MCLs. Secondary maximum contaminant levels are not enforceable.

Consuming water with high fluoride levels can cause fluorosis which can lead to the discoloration of tooth enamel. The concentration of fluoride measured in the well was 2.62 mg/L which is below the MCL but above the Secondary MCL.

The secondary maximum contaminant level for pH ranges from 6.5 – 8.5. The pH level from this well was measured at 8.99 which is just above the desired pH range for potable water. Water with a pH of 9 is considered slightly alkaline and could cause skin to become dry and irritated.

Because of the absence of any and all evidence of fecal contamination in the form of E. coli or Total Coliform, or that all 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.

***El Paso County Land Development Code
Water Quality Requirements and Results
Arapahoe Confined Aquifer
19751 Good Life View
Sampled September 29, 2022***

Compound	Units	MCL/SMCL	Result
Antimony	mg/l	0.006	0
Arsenic	mg/l	0.01	0
Barium	mg/l	2	0.0026
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	2.62
Mercury	mg/l	0.002	0
Nitrate as N	mg/l	10	0
Nitrite as N	mg/l	1	0
Selenium	mg/l	0.05	0
Thallium	mg/l	0.002	0
Aluminum	mg/l	0.05	0.019
Chloride	mg/l	250	11.1
Langelier Index			0.12
Iron	mg/l	0.3	0.005
Manganese	mg/l	0.05	0.0036
pH		6.5 - 8.5	8.99
Silver	mg/l	0.1	0
Sulfate	mg/l	250	97.5
TDS	mg/l	500	311
Zinc	mg/l	5	0.007
Gross Alpha/Beta	pCi/l	15	1.6
Combined Radium 226+228	pCi/l	5	3.9
Total Coliform	#/100 ml	Absent	Absent

Green = Result below MCL - Acceptable Water Quality

Analytical Results

TASK NO: 220930064

Report To: Rich Gallegos

Company: JDS Hydro Consultants

5540 Tech Center Dr.

Suite 100

Colorado Springs CO 80919

Bill To: Rich Gallegos

Company: JDS Hydro Consultants

5540 Tech Center Dr.

Suite 100

Colorado Springs CO 80919

Task No.: 220930064

Client PO:

Client Project: Joyful View

Date Received: 9/30/22

Date Reported: 10/25/22

Matrix: Water - Drinking

Lab Number	Customer Sample ID	Sample Date/Time		Test	Result	Method	Date Analyzed
220930064-01B	#1 - Joyful View	9/29/22	2:05 PM	Total Coliform	Absent	SM 9223	10/1/22
				E-Coli	Absent	SM 9223	10/1/22

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

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313

Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

Page 1 of 3

220930064

1/1

Analytical Results

TASK NO: 220930064

Report To: Rich Gallegos
Company: JDS Hydro Consultants
5540 Tech Center Dr.
Suite 100
Colorado Springs CO 80919

Bill To: Rich Gallegos
Company: JDS Hydro Consultants
5540 Tech Center Dr.
Suite 100
Colorado Springs CO 80919

Task No.: 220930064
Client PO:
Client Project: Joyful View

Date Received: 9/30/22
Date Reported: 10/25/22
Matrix: Water - Drinkin

Customer Sample ID #1 - Joyful View
Sample Date/Time: 9/29/22 2:05 PM
Lab Number: 220930064-01

Test	Result	Method	RL	Date Analyzed	QC Batch ID	Analyzed By
Bicarbonate	102.0 mg/L as CaCO ₃	SM 2320-B	0.2 mg/L as CaCO ₃	10/4/22	-	TAB
Calcium as CaCO ₃	8.1 mg/L	EPA 200.7	0.1 mg/L	10/5/22	-	MAT
Carbonate	30.2 mg/L as CaCO ₃	SM 2320-B	0.2 mg/L as CaCO ₃	10/4/22	-	TAB
Hydroxide	ND	SM 2320-B	0.2 mg/L as CaCO ₃	10/4/22	-	TAB
Langelier Index	0.12 units	SM 2330-B	units	10/11/22	-	SAN
pH	8.99 units	SM 4500-H-B	0.01 units	9/29/22	-	Sampler
Temperature	19 °C	SM 4500-H-B	1 °C	9/29/22	-	Sampler
Total Alkalinity	132.2 mg/L as CaCO ₃	SM 2320-B	4.0 mg/L as CaCO ₃	10/4/22	QC60048	TAB
Total Dissolved Solids	311 mg/L	SM 2540-C	5 mg/L	10/10/22	QC60165	DEK

Abbreviations/ References:

RL = Reporting Limit = Minimum Level
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 ml = Most Probable Number Index/ 100 ml
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: 220930064

Report To: Rich Gallegos
Company: JDS Hydro Consultants

Receive Date: 9/30/22
Project Name: Joyful View

Test	QC Batch ID	QC Type	Result	Method		
Total Alkalinity	QC60048	Blank	ND	SM 2320-B		
Total Dissolved Solids	QC60165	Blank	ND	SM 2540-C		

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Total Alkalinity	QC60048	Duplicate	0 - 20	-	1.0	SM 2320-B
		LCS	90 - 110	106.2	-	
		LCS-2	90 - 110	107.2	-	
Total Dissolved Solids	QC60165	Duplicate	0 - 20	-	0.6	SM 2540-C
		LCS	85 - 115	101.2	-	

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.

Analytical Results

TASK NO: 220930064

Report To: Rich Gallegos

Company: JDS Hydro Consultants
5540 Tech Center Dr.
Suite 100
Colorado Springs CO 80919

Bill To: Rich Gallegos

Company: JDS Hydro Consultants
5540 Tech Center Dr.
Suite 100
Colorado Springs CO 80919

Task No.: 220930064
Client PO:
Client Project: Joyful View

Date Received: 9/30/22
Date Reported: 10/25/22
Matrix: Water - Drinking

Customer Sample ID #1 - Joyful View

Sample Date/Time: 9/29/22 2:05 PM

Lab Number: 220930064-01

Test	Result	Method	RL	MCL	Date Analyzed	QC Batch ID	Analyzed By
Chloride	11.1 mg/L	EPA 300.0	0.1 mg/L		10/1/22	QC60003	AMJ
Fluoride	2.62 mg/L	EPA 300.0	0.10 mg/L	4	10/1/22	QC59997	AMJ
Nitrate Nitrogen	ND	EPA 300.0	0.05 mg/L	10	10/1/22	QC59998	AMJ
Nitrite Nitrogen	ND	EPA 300.0	0.03 mg/L	1	10/1/22	QC59999	AMJ
Sulfate	97.5 mg/L	EPA 300.0	0.1 mg/L		10/1/22	QC60001	AMJ
Cyanide-Total	ND	EPA 335.4	0.005 mg/L	0.02	10/6/22	QC60116	DPL
Total							
Iron	0.005 mg/L	EPA 200.7	0.005 mg/L	0.3	10/5/22	QC60083	MAT
Aluminum	0.019 mg/L	EPA 200.8	0.001 mg/L	0.05	10/5/22	QC60079	MBN
Antimony	ND	EPA 200.8	0.0012 mg/L	0.006	10/5/22	QC60079	MBN
Arsenic	ND	EPA 200.8	0.0006 mg/L	0.01	10/5/22	QC60079	MBN
Barium	0.0026 mg/L	EPA 200.8	0.0007 mg/L	2	10/5/22	QC60079	MBN
Beryllium	ND	EPA 200.8	0.0001 mg/L	0.004	10/5/22	QC60079	MBN
Cadmium	ND	EPA 200.8	0.0001 mg/L	0.005	10/5/22	QC60079	MBN
Chromium	ND	EPA 200.8	0.0015 mg/L	0.1	10/5/22	QC60079	MBN
Manganese	0.0036 mg/L	EPA 200.8	0.0008 mg/L	0.05	10/5/22	QC60079	MBN
Mercury	ND	EPA 200.8	0.0001 mg/L	0.002	10/5/22	QC60079	MBN
Selenium	ND	EPA 200.8	0.0008 mg/L	0.05	10/5/22	QC60079	MBN
Silver	ND	EPA 200.8	0.0005 mg/L	0.1	10/5/22	QC60079	MBN
Thallium	ND	EPA 200.8	0.0002 mg/L	0.002	10/5/22	QC60079	MBN
Zinc	0.007 mg/L	EPA 200.8	0.001 mg/L	5	10/5/22	QC60079	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) Spike amount low relative to the sample amount.

ND = Not Detected at Reporting Limit.

Report To: Rich Gallegos
Company: JDS Hydro Consultants

Receive Date: 9/30/22
Project Name: Joyful View

Test	QC Batch ID	QC Type	Result	Method
Chloride	QC60003	Blank	ND	EPA 300.0
Cyanide-Total	QC60116	Blank	ND	EPA 335.4
Fluoride	QC59997	Blank	ND	EPA 300.0
Aluminum	QC60079	Method Blank	ND	EPA 200.8
Antimony	QC60079	Method Blank	ND	EPA 200.8
Arsenic	QC60079	Method Blank	ND	EPA 200.8
Barium	QC60079	Method Blank	ND	EPA 200.8
Beryllium	QC60079	Method Blank	ND	EPA 200.8
Cadmium	QC60079	Method Blank	ND	EPA 200.8
Chromium	QC60079	Method Blank	ND	EPA 200.8
Manganese	QC60079	Method Blank	ND	EPA 200.8
Mercury	QC60079	Method Blank	ND	EPA 200.8
Selenium	QC60079	Method Blank	ND	EPA 200.8
Silver	QC60079	Method Blank	ND	EPA 200.8
Thallium	QC60079	Method Blank	ND	EPA 200.8
Zinc	QC60079	Method Blank	ND	EPA 200.8
Iron	QC80083	Method Blank	ND	EPA 200.7
Nitrate Nitrogen	QC59998	Blank	ND	EPA 300.0
Nitrite Nitrogen	QC59999	Blank	ND	EPA 300.0
Sulfate	QC60001	Blank	ND	EPA 300.0

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Chloride	QC60003	Duplicate	0 - 20	-	0.4	EPA 300.0
		LCS	90 - 110	102.2	-	
		MS	75 - 125	96.3	-	
Cyanide-Total	QC60116	Duplicate	0 - 20	-	0.0	EPA 335.4
		LCS	90 - 110	92.1	-	
		MS	75 - 125	95.5	-	
Fluoride	QC59997	Duplicate	0 - 20	-	0.6	EPA 300.0
		LCS	90 - 110	93.9	-	
		MS	75 - 125	88.1	-	
Aluminum	QC60079	LCS	90 - 110	96.3	-	EPA 200.8
		MS	70 - 130	107.9	-	
		MSD	0 - 10	-	2.8	
Antimony	QC60079	LCS	90 - 110	100.6	-	EPA 200.8
		MS	70 - 130	104.6	-	
		MSD	0 - 10	-	0.9	
Arsenic	QC60079	LCS	90 - 110	94.3	-	EPA 200.8
		MS	70 - 130	112.8	-	
		MSD	0 - 10	-	0.8	
Barium	QC60079	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) Spike amount low relative to the sample amount.
ND = Not Detected at Reporting Limit.

Test	QC Batch ID	QC Type	Limits	% Rec	RPD	Method
Beryllium	QC60079	MS	70 - 130	101.0	-	EPA 200.8
		MSD	0 - 10	-	0.1	
		LCS	90 - 110	95.6	-	
		MS	70 - 130	109.2	-	
Cadmium	QC60079	MSD	0 - 10	-	1.6	EPA 200.8
		LCS	90 - 110	92.7	-	
		MS	70 - 130	103.8	-	
		MSD	0 - 10	-	0.5	
Chromium	QC60079	LCS	90 - 110	97.7	-	EPA 200.8
		MS	70 - 130	102.4	-	
		MSD	0 - 10	-	3.8	
		LCS	90 - 110	98.1	-	EPA 200.8
Manganese	QC60079	MS	70 - 130	103.7	-	
		MSD	0 - 10	-	2.2	
		LCS	90 - 110	101.2	-	EPA 200.8
		MS	70 - 130	96.6	-	
Mercury	QC60079	MSD	0 - 10	-	4.1	
		LCS	90 - 110	94.3	-	EPA 200.8
		MS	70 - 130	123.8	-	
		MSD	0 - 10	-	6.4	
Silver	QC60079	LCS	90 - 110	93.2	-	EPA 200.8
		MS	70 - 130	89.8	-	
		MSD	0 - 10	-	1.7	
		LCS	90 - 110	98.9	-	EPA 200.8
Thallium	QC60079	MS	70 - 130	101.5	-	
		MSD	0 - 10	-	2.2	
		LCS	90 - 110	95.6	-	EPA 200.8
		MS	70 - 130	88.1	-	
Zinc	QC60079	MSD	0 - 10	-	0.6	
		Duplicate	0 - 20	-	1.4	EPA 200.7
		LCS	90 - 110	99.8	-	
		MS	75 - 125	112.5	-	
Iron	QC60083	LCS	90 - 110	98.8	-	EPA 300.0
		MS	75 - 125	85.0	-	
		Duplicate	0 - 20	-	10.0	
		LCS	90 - 110	98.8	-	EPA 300.0
Nitrate Nitrogen	QC59998	MS	75 - 125	85.0	-	
		Duplicate	0 - 20	-	0.0	
		LCS	90 - 110	91.5	-	EPA 300.0
		MS	75 - 125	92.4	-	
Nitrite Nitrogen	QC59999	Duplicate	0 - 20	-	0.0	EPA 300.0
		LCS	90 - 110	91.5	-	
		MS	75 - 125	92.4	-	
		Duplicate	0 - 20	-	1.3	EPA 300.0
Sulfate	QC60001	LCS	90 - 110	101.4	-	
		MS	75 - 125	94.1	-	
		Duplicate	0 - 20	-	1.3	
		LCS	90 - 110	101.4	-	

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.



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

Customer ID: 20040H
Account ID: Z01034

Lab Control ID: 22M02893
Received: Oct 03, 2022
Reported: Oct 24, 2022
Purchase Order No.
None Received

Stuart Nielson
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: Michelle Stringer for
Roxanne Sullivan
Analytical Laboratories Director



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

Lab Control ID: 22M02893

Received: Oct 03, 2022

Reported: Oct 24, 2022

Purchase Order No.

None Received

Customer ID: 20040H

Account ID: Z01034

ANALYTICAL REPORT

Stuart Nielson

Colorado Analytical Laboratories, Inc.

Lab Sample ID		22M02893-001						
Customer Sample ID		220930064-01D - Joyful View - #1 - Joyful View sampled on 09/29/22 @ 1405						
Parameter	Units	Code	Result	Precision* +/-	Detection Limit	Method	Analysis Date / Time	Analyst
Gross Alpha	pCi/L	T	0.7	2.1	0.1	SM 7110 B	10/12/22 @ 0749	AS
Gross Beta	pCi/L	T	<2.5	2.2	2.5	SM 7110 B	10/12/22 @ 0749	AS
Radium-226	pCi/L	T	NR	-	-	SM 7500-Ra B	-	-
Radium-228	pCi/L	T	NR	-	-	EPA Ra-05	-	-

NR - Not Requested - Analysis not requested on this sample.

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) = Total Residual (AR) = As Received < = Less Than



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

Lab Control ID: 22M02893

Received: Oct 03, 2022

Reported: Oct 24, 2022

Purchase Order No.

None Received

Customer ID: 20040H

Account ID: Z01034

ANALYTICAL REPORT

Stuart Nielson

Colorado Analytical Laboratories, Inc.

Lab Sample ID		22M02893-002						
Customer Sample ID		220930064-01E - Joyful View - #1 - Joyful View sampled on 09/29/22 @ 1405						
Parameter	Units	Code	Result	Precision* +/-	Detection Limit	Method	Analysis Date / Time	Analyst
Gross Alpha	pCi/L	T	NR	-	-	SM 7110 B	-	-
Gross Beta	pCi/L	T	NR	-	-	SM 7110 B	-	-
Radium-226	pCi/L	T	<0.2	0.1	0.2	SM 7500-Ra B	10/13/22 @ 1415	KT
Radium-228	pCi/L	T	1.6	0.8	0.2	EPA Ra-05	10/10/22 @ 0751	JR

NR - Not Requested - Analysis not requested on this sample.

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) = Total Residual (AR) = As Received < = Less Than

HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY

Date: 10/12/2022

Batch QC Summary Form

Analyte: Gross Alpha

Control Standard/LFB: ID: C-11a_001 pCi/mL: 57.4 (use 1 diluted)

Spike Solution: ID: C-11a_001 pCi/mL: 57.4 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(55.3) - (1.000) - (-0.1)}{57.4} \times 100 = 96\%$$

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:

22M02831	22M02899
22M02881	22M02918
22M02882	22M02919
22M02883	22M02886
22M02884	22M02892
22M02885	22M02893
22M02895	22M02900
22M02896	22M02904
22M02897	_____
22M02898	_____

Evaluator:

 _____

10/19/2022
Date

**HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY**

Date: 10/12/2022

Batch QC Summary Form

Analyte: Gross Beta

Control Standard/LFB: ID: C-11a_001 pCi/mL: 44 (use 1 diluted)

Spike Solution: ID: C-11a_001 pCi/mL: 44 (use 1 mL)

Spike Recovery Calculation: Sample: Tap*

$$\text{Calculation: } \frac{(40.5) - (1.000) - (-0.5) + (0.200)}{44} \times 100 = 92\%$$

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:

<u>22M02831</u>	<u>22M02899</u>
<u>22M02881</u>	<u>22M02918</u>
<u>22M02882</u>	<u>22M02919</u>
<u>22M02883</u>	<u>22M02886</u>
<u>22M02884</u>	<u>22M02892</u>
<u>22M02885</u>	<u>22M02893</u>
<u>22M02895</u>	<u>22M02900</u>
<u>22M02896</u>	<u>22M02904</u>
<u>22M02897</u>	_____
<u>22M02898</u>	_____

Evaluator:

Roxanne Sullivan _____

10/19/2022

Date

HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY

Date: 10/13/2022

Batch QC Summary Form

Analyte: Radium-226

Control Standard/LFB: ID: C1-002 pCi/mL: 23 (use 2 diluted)

Spike Solution: ID: C1-002 pCi/mL: 23 (use 2 mL)

Spike Recovery Calculation: Sample: 22M02904-02ab

$$\text{Calculation: } \frac{(40.7) - (1.000)}{46} - \frac{(0.2) - (1.000)}{46} \times 100 = 88\%$$

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:

22M02892	22M02920
22M02893	22M02922
22M02894	22M02923
22M02900	22M02924
22M02904	_____
22M02905	_____
22M02907	_____
22M02909	_____
22M02910	_____
22M02912	_____

Evaluator:

Michelle Stringer _____

10/24/2022

Date

HAZEN RESEARCH, INC.
RADIOCHEMISTRY LABORATORY

Date: 10/10/2022

Batch QC Summary Form

Analyte: Radium-228

Control Standard/LFB: ID: C6-003 pCi/mL: 12.9 (use 5 diluted)

Spike Solution: ID: C6-003 pCi/mL: 12.9 (use 5 mL)

Spike Recovery Calculation: Sample: 22M02921-2d

Calculation: $\frac{(66.0) - (1.000)}{64.5} - \frac{(1.5) - (1.000)}{64.5} \times 100 = 100\%$

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:

22M02874 _____
22M02875 _____
22M02886 _____
22M02892 _____
22M02893 _____
22M02894 _____
22M02921 _____

Evaluator:

Michelle Stringer _____

10/13/2022
Date _____



22462890

Ship To: Hazen Research

Preserved: Y/N

HNO3 Lot #: N/A

Date Preserved: N/A

Report To Information		Project Name	
Company Name: Colorado Analytical Laboratory		Joyful View	
Report To: Stuart Nielson			
E-Mail: stuartnielson@coloradolab.com			
Address:		Compliance Samples: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
10411 Heinz Way		Submit Data to CDPHE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commerce City, CO 80640			
Phone: 303-659-2313			

Tests Requested

Sample Date/Time	Sample ID	Matrix	Radium 228 (Sub)	Gross Alpha/Beta (Sub)	Radium 226 (Sub)	Container Type
9/29/22	2:05 PM 220830064-01D - #1 - Joyful View	Water - Drinking	X			11 Cylinder - Unpreserved
9/29/22	2:05 PM 220830064-01E - #1 - Joyful View	Water - Drinking	X			3 - 1L - Unpreserved

Comment: Limited Volume received for Radium 226/228-W

Samples did not contain correct information; estimated what client wanted based on previous tests. Will confirm via email. R 10/14/22 1525

Preservation ✓ R 10/14/22
Lot #07 Preserved R 10/12/22 1535

Relinquished by: (Signature)	Date: Time	Received by: (Signature)	Date: Time
Jedama	10/3/22	Prebaker	10/3/22 1535