

**COLORADO GROUND WATER COMMISSION  
FINDINGS AND ORDER**

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

---

DETERMINATION NO.: 2536-BD

AQUIFER: DENVER

APPLICANT: BRIAN MICHAEL LUKE AND MORA LEA LUKE

---

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Brian Michael Luke and Mora Lea Luke (hereinafter "applicant") submitted an application for determination of water right to designated ground water from the Denver Aquifer.

**FINDINGS**

1. The application was received complete by the Colorado Ground Water Commission on April 29, 2011.
2. The applicant requests a determination of right to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 35.99 acres, of which 27.99 acres are within Designated Basins and are generally described as part of the SW1/4 of the NW1/4 and part of the NW1/4 of the SW1/4 of Section 1, Township 6 South, Range 64 West of the 6th Principal Meridian, in Elbert County. According to a signed statement dated February 16, 2011, attached hereto as Exhibit A, the applicant owns the 35.99 acres of land, which are further described in said affidavit, and claims control of the right to the ground water in the aquifer underlying this land. The 27.99 acres within the Designated Basins is hereinafter referred to as the "overlying land", and the ground water in the aquifer underlying those 27.99 acres is hereinafter referred to as "underlying ground water."
3. The overlying land is located within the boundaries of the Kiowa-Bijou Designated Ground Water Basin. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.
4. The Commission Staff has evaluated the application relying on the claims to control of the underlying ground water in the aquifer made by the applicant.
5. The applicant intends to apply the underlying ground water to the following beneficial uses: irrigation, domestic, commercial, industrial, recreational, stock water, fire protection, manufacturing, fish and wildlife, sanitary uses, replacement and augmentation. The applicant's proposed place of use of the underlying ground water is the above described 27.99 acres of overlying land; and an additional 8 acres outside of Designated Basins generally described as part of the SE1/4 of the NE1/4 and part of the NE1/4 of the SE1/4 of Section 2, Township 6 South, Range 64 West, of the 6<sup>th</sup> Principal Meridian.

Aquifer: Denver

Applicant: Brian Michael Luke and Mora Lea Luke

6. The application requests the maximum allowable annual amount of underlying ground water from beneath the overlying land.
7. The quantity of water in the aquifer underlying the 27.99 acres of overlying land claimed by the applicant is 1380 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
  - a. The average specific yield of the saturated permeable material of the aquifer beneath the overlying land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.
  - b. The average thickness of the saturated permeable material of the aquifer beneath the overlying land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 290 feet.
8. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the aquifer that could be allocated from beneath the overlying land would be 13.8 acre-feet per year.
9. A review of the records in the Office of the State Engineer has disclosed that a small-capacity well, permit no. 222785, is located on the overlying land and is permitted to withdraw 2.5 acre-feet per year of ground water from the aquifer from beneath the overlying land. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the allowed average annual amount of withdrawal from beneath the overlying land is reduced to 11.3 acre-feet per year so as to reserve water for that well. The effect of this reservation is to reduce the quantity of underlying ground water which is considered available for allocation to 1130 acre-feet. Except for that 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.

Aquifer: Denver

Applicant: Brian Michael Luke and Mora Lea Luke

12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the underlying ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. Pursuant to the Rules, at least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
13. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on June 2 and June 9, 2011. No objections to the application were received within the time limit set by statute.

### ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Denver Aquifer underlying 27.99 acres of land, generally described as part of the SW1/4 of the NW1/4 and part of the NW1/4 of the SW1/4 of Section 1, Township 6 South, Range 64 West of the 6th Principal Meridian, further described in Exhibit A, is approved subject to the following conditions:

14. The allowed average annual amount of withdrawal of underlying ground water from the aquifer shall not exceed 11.3 acre-feet.
15. The total volume of underlying ground water that may be withdrawn from the aquifer pursuant to this Determination of Water Right shall not exceed 1130 acre-feet.
16. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of underlying ground water that may be withdrawn from the aquifer to conform to actual aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of underlying ground water in the aquifer was incorrect.
17. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of underlying ground water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
18. The applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.

Aquifer: Denver

Applicant: Brian Michael Luke and Mora Lea Luke

19. At least four percent (4%) of the amount of underlying ground water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
20. The use of underlying ground water from this allocation shall be limited to the following beneficial uses: irrigation, domestic, commercial, industrial, recreational, stock watering, fire protection, manufacturing, fish and wildlife, sanitary uses, replacement and augmentation. The place of use shall be limited to the above described 27.99 acres of overlying land; and an additional 8 acres outside of Designated Basins generally described as part of the SE1/4 of the NE1/4 and part of the NE1/4 of the SE1/4 of Section 2, Township 6 South, Range 64 West, of the 6<sup>th</sup> Principal Meridian.
21. Approval of this Determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
22. Wells withdrawing the underlying ground water allocated herein are subject to the following conditions:
  - a. The wells must be located on the above described 27.99 acres of overlying land.
  - b. No well shall be located within 600 feet of any existing large-capacity well in the same aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
  - c. The wells must be constructed to withdraw water from only the Denver Aquifer.
  - d. The entire depth of each well must be geophysically logged prior to installing the casing as forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
  - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission upon request.
  - f. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.
23. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the overlying land is located so that a title examination of the above described 27.99 acres of overlying land area, or any part thereof, shall reveal the existence of this determination.

Aquifer: Denver

Applicant: Brian Michael Luke and Mora Lea Luke

24. The underlying ground water right determined herein is a vested property right with specific ownership. The underlying ground water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of underlying ground water that is being conveyed.

Dated this 20<sup>th</sup> day of July, 20 11.



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

By:



Keith Vander Horst, P.E.  
Designated Basins Team Leader

Prepared by: JPF  
F&O2536-BD.doc

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

RECEIVED

APR 29 2011

WATER RESOURCES  
STATE ENGINEER  
COLORADO

**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

We) Brian Michael Luke and Mora Lea Luke  
(Name(s))

claim and say that we) (are) the owner(s) of the following described property consisting of  
35.99 acres in the County of ELBERT  
State of Colorado:

Foxwood Ranches

Parcel 5

A tract of land located in Section 1 and 2, Township 6 South, Range 64 West of the 6th Principal Meridian, Elbert County, Colorado, described as follows:

Commencing at the Northwest corner of said section 1 and considering the North line of Section 1 to bear S 89° -49' -50" E with all bearings relative thereto: thence S 00° -00' -02" W along Section 1 and 2 line a distance of 1309.890 feet; Thence S 17° -09' -11" W a distance of 775.401 feet to the True Point if Beginning; Thence N 71° -03' -11" E a distance of 735.099 feet; Thence S 19° -22' -24" E a distance of 1574.860 feet witnessed by a 1 1/2" cap on a #4 rebar at 40.08 feet bearing N 19° -22' -24" W; Thence along the centerline of Patrick Trail and a curve to the right having an interior angle of 54° -27' 39" and 1300 foot radius a distance of 1235.675 feet, curve also has a chord length of 1189.681 feet bearing N 85° -47' -50" W; Thence N 58° -34' -01" W a distance of 383.733 feet witnessed by a 1 1/2" cap on a #4 rebar at 41.28 feet bearing N 17° -09' -11" E; Thence N 17° -09' -11" E a distance of 1004.377 feet to the True Point of Beginning monumented by a 1 1/2" cap on a #4 rebar, also described as Parcel 5 Foxwood Ranches which plat is filed at the Elbert County Recorder

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

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

<u>Brian Michael Luke</u>	<u>2-16-2011</u>
Signature	Date
<u>Mora Lea Luke</u>	<u>2-16-2011</u>
Signature	Date

**INSTRUCTIONS:**

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

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

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

RECEIVED

RECEIVED

APR 29 2011

MAR 11 2011

WATER RESOURCES  
STATE ENGINEER  
COLO.

WATER RESOURCES  
STATE ENGINEER  
COLO.

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

**1. APPLICANT INFORMATION**

Name of Applicant

*Brian Michael Luke and Mora Lea Luke*

Applicant Mailing Address

*7555 Patrick Trail  
Elizabeth, CO 80107*

Applicant Telephone Number (include area code)

*(303) 434-7862*

**2. AMOUNT OF OVERLYING LAND** - the total land area claimed and described by the applicant in Item #8 below, consisting of 35.99 acres.

**3. AQUIFER**

*DENVER*

**4. EXISTING WELLS** - Are there any wells located on the claimed and described overlying land? Yes ☒ No ☐  
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

*IRRIGATION, DOMESTIC, COMMERCIAL, INDUSTRIAL, RECREATIONAL, STOCK WATERING, FIRE PROTECTION, MANUFACTURING, FISH AND WILDLIFE, SANITARY USES, REPLACEMENT AND AUGMENTATION*

**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

*Brian Michael Luke & Mora Lea Luke*

Date

*2-16-2011*

- print name and title

*Brian Michael Luke & Mora Lea Luke, owners*

**FOR OFFICE USE ONLY**

Trans Number: 3649413 C  
3/11/2011 11:55:40 AM  
Yolanda Johnson (14)  
Total Trans Amt: \$300.00  
CHECK

Check Number: 1510  
Check Amount: \$300.00

Form GWS-53 (6/2006)

DIV 8 CO WD 1 BASIN 2 MD

SEE ATTACHMENT

APR 29 2011

WATER RESOURCES  
STATE ENGINEER  
COLO

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.

27.99 acres within the designated basin in Section 1, and an additional 8 acres in section 2 that is included in the legal description of Parcel 5 Foxwood Ranches.

Signature Eng Michael Jole Date 4-15-2011  
Whe 4-29-2011





DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

RECEIVED

APR 29 2011

WATER RESOURCES  
STATE ENGINEER  
John W. H. Cooper  
Governor

Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

April 12, 2011

Brian Michael Luke  
and Mora Lea Luke  
7555 Patrick Trail  
Elizabeth, CO 80107

Re: Determinations of Water Right Applications to allocate Ground Water from the Laramie-Fox Hills, Arapahoe, Denver, Arapahoe, Lower Dawson, and Upper Dawson aquifers underlying 35.99 Acres, Receipt Nos. 3649413A-E

Dear Brian and Mora Luke:

After preliminary review of the above-referenced application, the application was found to be unacceptable in its current form and is, hereby, returned for additional documentation and information as indicated below:

- The parcel overlies 27.99 acres within Designated Basins (in Section 1) and overlies 8 acres outside of Designated Basins (in Section 2). If you wish to use the ground water on the land outside of Designated Basin in Section 2, then item #7 on the applications will need additional information that you want the 8 acres of land outside of Designated Basins included as an additional place of use for each aquifer.
- The overlying 35.99 acre parcel does not overly the Upper Dawson aquifer, so the Upper Dawson application is being returned to you and you may submit a refund request.

Please aware that based on preliminary analysis, there appears to be no available ground water in the sands of the Lower Dawson aquifer, so the Determination for the Lower Dawson will most likely be issued as a denial. In order for a Determination of Water Right to be approved for the Lower Dawson, you would need to be able to show that ground water is present in the Lower Dawson aquifer at this location.

Please resubmit the enclosed original applications along with the necessary supplemental information to this office to my attention. Initial and date any changes made to the application forms. Be advised that the above applications for determinations of water right must be received in this office in a complete form, with all required documentation, no later than July 12, 2011, or the applications will be considered inactive and withdrawn. If the applications are received after that date, it will be considered a new application and will require the appropriate filing fee.

If you have any questions concerning this application, please contact me at this office.

Sincerely,

Justina P. Farris  
Physical Science Researcher Scientist  
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

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

APPLICANT: Brian Michael Luke and Mora Lea Luke

AQUIFER: Denver

RECEIPT NO.: 3649413C

NUMBER OF ACRES CLAIMED: 35.99 (27.99 acres within Designated Basins)

BASIN: Kiowa-Bijou

GWMD:

COUNTY: Elbert

GENERAL DESCRIPTION: Inside Designated Basins: Part of the SW1/4 of the NW1/4 and part of the NW1/4 of the SW1/4 of Section 1, in T6S, R64W of the 6<sup>th</sup> P.M. Outside Designated Basins: Part of the SE1/4 of the NE1/4 and part of the NE1/4 of the SE1/4 of Section 2, in T6S, R64W of the 6<sup>th</sup> P.M. Foxwood Ranches parcel 5.

**AQUIFER DATA**

QUANTITY OF WATER UNDERLYING CLAIMED ACREAGE:

(27.99 acres) (290 feet SS) (0.17 SY) = 1380 AF, 1380/ 100 YEARS = 13.8 AF/YR

OVERLAPPING PRE- NOVEMBER 19, 1973 WELL CYLINDERS:

PERMIT NO.: OVERLAPPING ACRES:

Area Checked: Sections 35 and 36, T5S, R64W  
Sections 1, 2, 11 and 12, T6S, R64W

QUANTITY OF WATER UNDERLYING REDUCED ACREAGE:

( \_ acres) ( \_ feet SS) ( \_ SY) = \_ AF, / 100 YEARS = \_ AF/YR

REDUCTION DUE TO SMALL-CAPACITY WELLS (COMPLETED IN AQUIFER) LOCATED ON CLAIMED TRACT:

PERMIT NO.: 222785 ANNUAL APPROPRIATION: 2.5

**ALLOWED APPROPRIATION: 11.3 AF/YR, TOTAL 1130 AF**

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

REPLACEMENT PLAN REQUIRED: no

AQUIFER DEPTH BGS (CENTER OF PARCEL): TOP: 150 feet BASE: 995 feet

COMMENTS:

- The average saturated sandstone/siltstone (SS) value was obtained from the Sandstone/Siltstone map of the aquifer of the Designated Basins Rules Maps.

Evaluated by: JPF

Reviewed by:

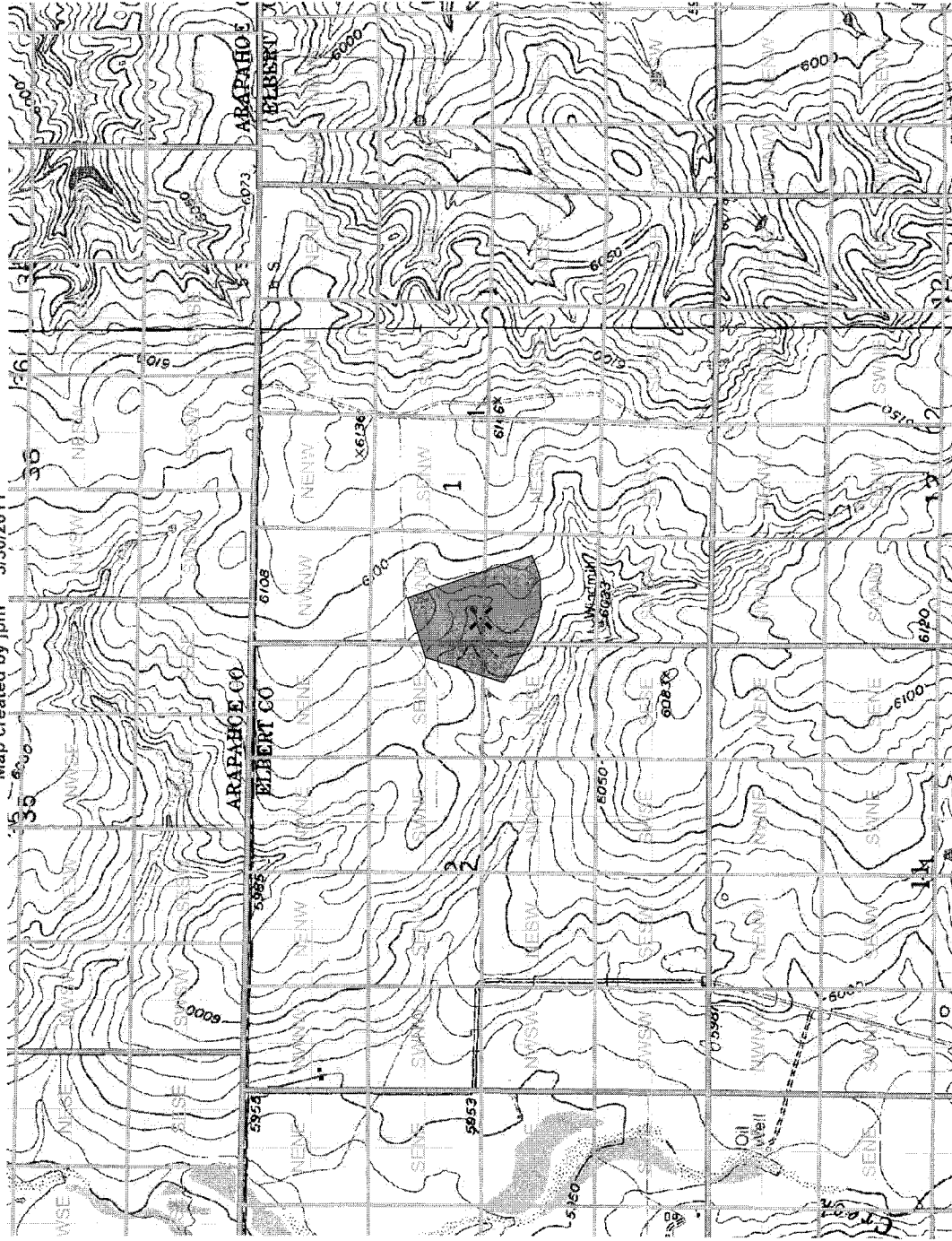
Determination Evaluation Sheet (modified 10-27-20102 kvh)

# AQUAMAP

## Colorado Division of Water Resources

### Brian and Mora Luke 3649413

Map created by jpm 3/30/2011



#### MAP NAVIGATION

☐ Home ☐ Full Screen ☐ Print ☐ Zoom In ☐ Zoom Out ☐ Rotate ☐ Pan

Click to create PDF

UTM X, Zone 13: 544060

UTM Y, Zone 13: 437907

Long: -104° 29' 13.5"

Lat: 39° 33' 36.9"

UTM and Geographic (LL) coordinates in NAD 83

#### DATA DISPLAY

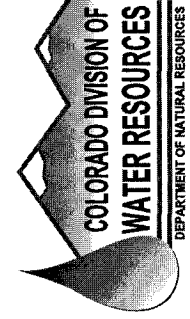
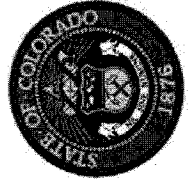
☒ Background ☐ Counties ☐ Water Well App  
☐ Quad Maps ☒ PLSS ☒ DWR Parcels  
☐ Low ☒ High ☐ Roads ☐ EPA Well Notifi  
☐ Transparency ☐ Hydrography ☐ Oil/Gas Well Lo  
☐ County Parcels (No Public Access) ☐ Towns

#### LOCATION

Section  Township  Range  Meridian

#### PRINTING

Output Scale  Page Size  User   
 Title



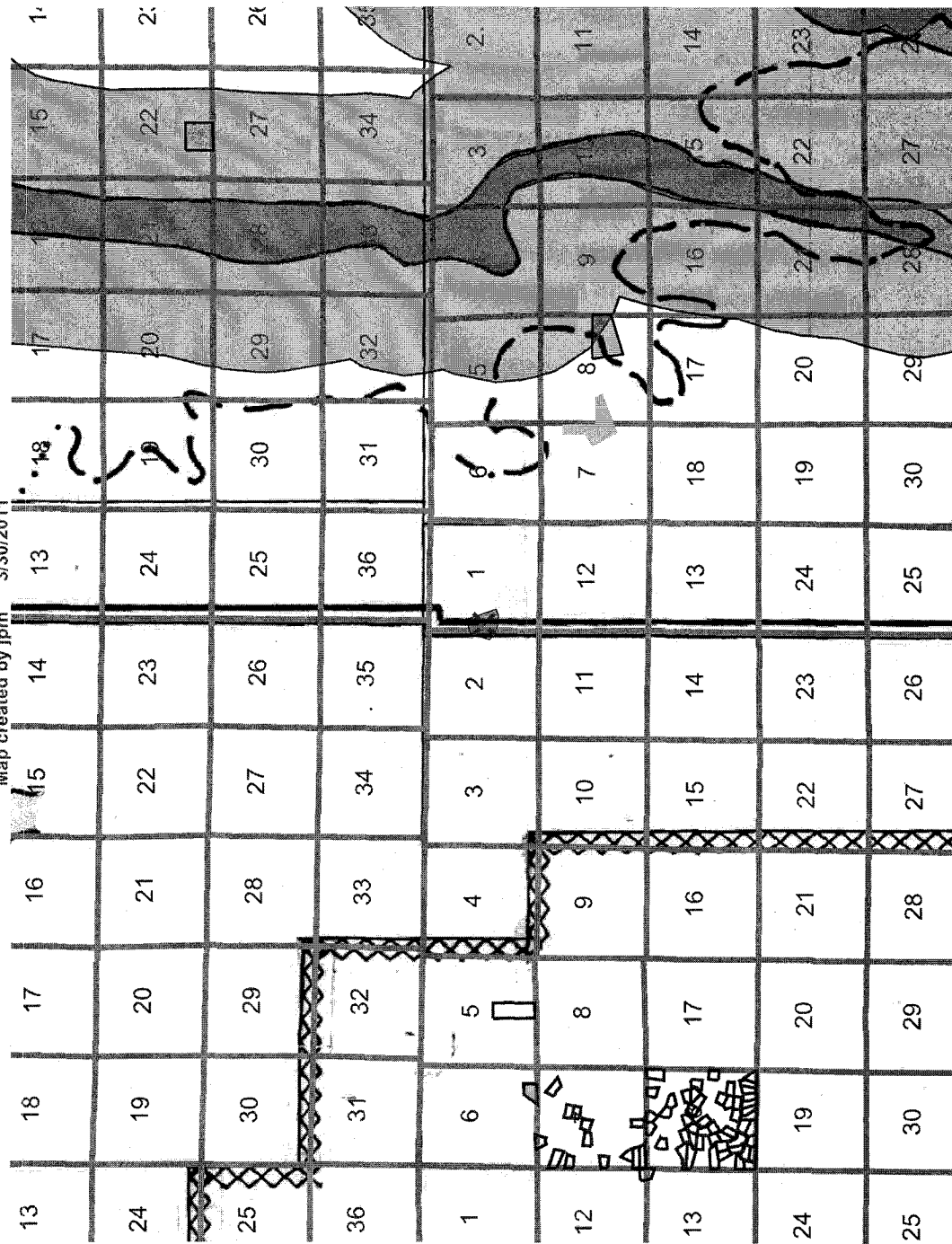
Address location by Yahoo Maps  
AquaMap Version 3.0.1 July 5, 2009

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



## MAP NAVIGATION

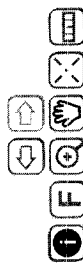
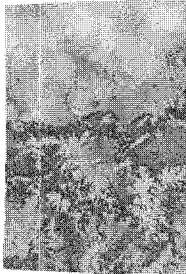
Map created by ipm 3/30/2011



59,314 ft

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

Address location by Yahoo Maps  
AquaMap Version 3.0.1 July 5 2009



Click to create PDF  
UTM X, Zone 13: 547552  
UTM Y, Zone 13: 4378841  
Long: -104° 26' 47.3"  
Lat: 39° 33' 28.6"  
UTM and Geographic(LL)  
coordinates in NAD 83

## DATA DISPLAY

☒ Background
 

Denver Atlas

☐ Counties
 ☒ PLSS
 ☐ Roads
 ☐ Hydrography
 ☐ County Parcels (No Public Access)
 ☐ Towns

☐ Water Well App
 ☒ DWR Parcels
 ☐ EPA Well Notifi
 ☐ Oil/Gas Well Lo

☐ More Data

☐ Low
 ☒ High

Transparency

## LOCATION

Section

1 ▼

Township

6 ▼

Range

64 ▼

Meridian

Sixth ▼

PLSS Locator

Quick Zoom

Spacing

## PRINTING

Output Scale    
 Page Size    
 User



**COLORADO DIVISION OF  
WATER RESOURCES**

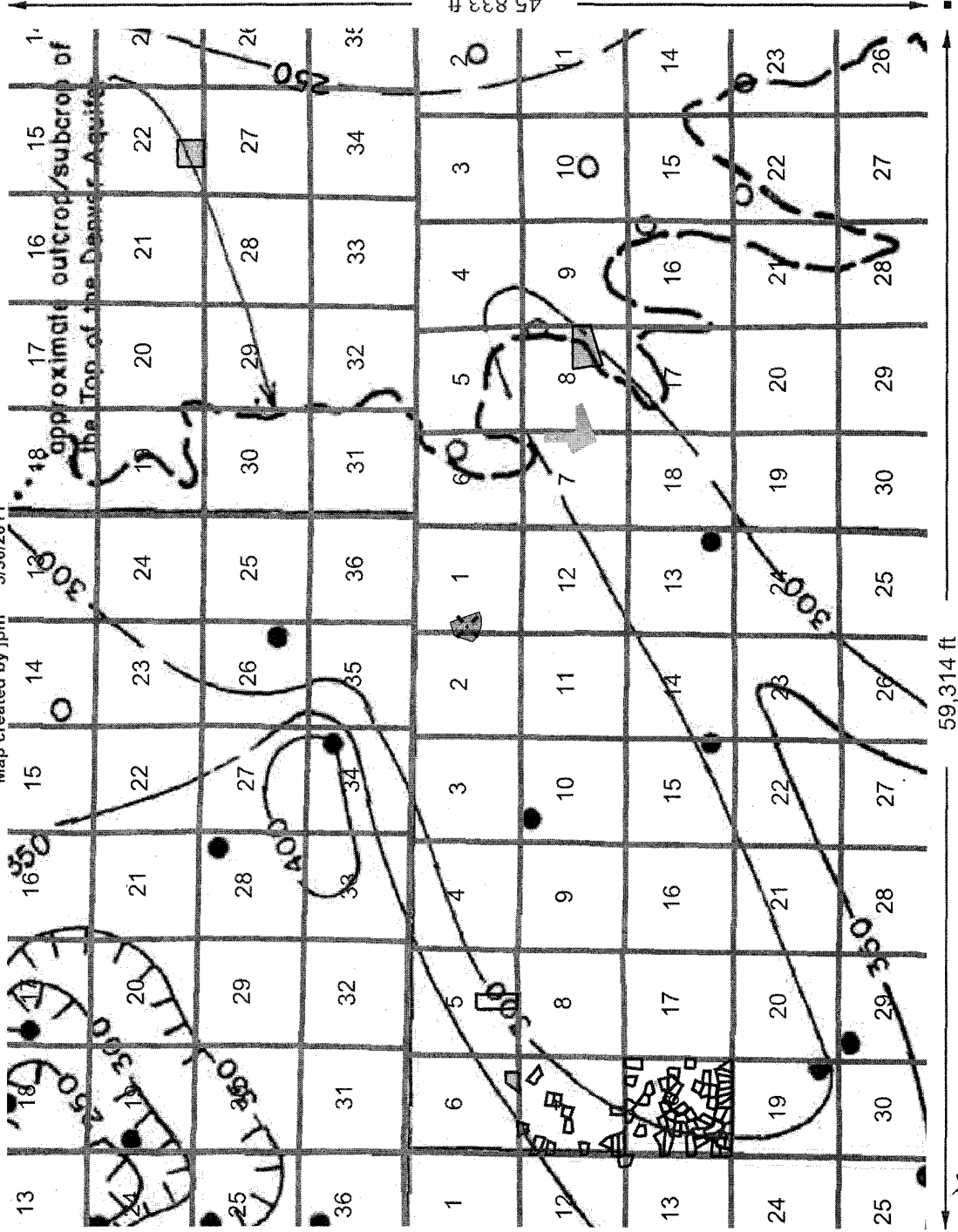
DEPARTMENT OF NATURAL RESOURCES

# AQUAMAP

## Colorado Division of Water Resources

### Brian and Mora Luke 3649413C

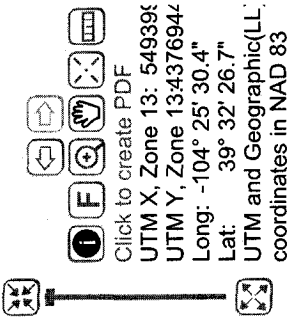
Map created by jpm 3/30/2011



59,314 ft

45,833 ft

#### MAP NAVIGATION



#### DATA DISPLAY

- ☒ Background ☐ Counties ☐ Water Well App
- ☐ Denver Sands ☒ PLSS ☒ DWR Parcels
- ☐ Low ☒ High ☐ Roads ☐ EPA Well Notifi.
- ☐ Transparency ☐ Hydrography ☐ Oil/Gas Well Lo
- ☐ County Parcels (No Public Access) ☐ Towns
- 

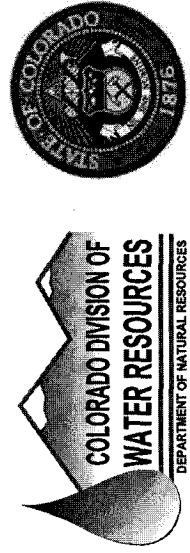
#### LOCATION

Section  Township  Range  Meridian  Sixth

#### PRINTING

Output Scale  Page Size  User

Title



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

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

OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES

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

71

APPLICANT

WELL PERMIT NUMBER **222785**

DIV. 8 WD 1 DES. BASIN 2 MD

Lot: 5 Block: Filing: Subdiv: FOXWOOD RANCHES

BRIAN & MORA LUKE  
13415 N WINCHESTER WAY  
PARKER, CO 80138-

APPROVED WELL LOCATION

ELBERT COUNTY

NW 1/4 SW 1/4 Section 1

Township 6 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

2200 Ft. from South Section Line

800 Ft. from West Section Line

(303) 841-7922

**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 assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-105.
- 4) Water from this well may be used for domestic purposes inside one (1) single family dwelling.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The annual withdrawal of ground water from this well shall not exceed 2.5 acre-feet.
- 7) The irrigated area shall not exceed 1 acre of lawn and garden.
- 8) Production is limited to the Denver aquifer which is located 165 feet below land surface and extends to depth of 1000 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 must be constructed within 300 feet of the location specified on this permit.
- 10) This permit has been approved with a change to the permit application form from that applied for by the applicant. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

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  
EBT

State Engineer

DATE ISSUED

JAN 10 2000

By

EXPIRATION DATE

JAN 10 2002

Receipt No. 0453603

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

For Office Use only

**RECEIVED**  
**FEB 28 2000**  
S.M. COLO.

1. **WELL PERMIT NUMBER** 222785

2. **OWNER NAME(S)** Brian & Mora Luke  
**Mailing Address** 13415 N Winchester Way  
**City, St. Zip** Parker Co 80138  
**Phone** (303) 841-7922

3. **WELL LOCATION AS DRILLED:** NW 1/4 SW 1/4, Sec. 1 Twp. 6 S, Range 64 W  
**DISTANCES FROM SEC. LINES:**  
2200 ft. from South Sec. line. and 800 ft. from West Sec. line. OR  
(north or south) (east or west)  
**SUBDIVISION:** Foxwood Ranches **LOT** 5 **BLOCK**        **FILING(UNIT)**         
**STREET ADDRESS AT WELL LOCATION:** 755 Patrick Trail

4. **GROUND SURFACE ELEVATION**        ft. **DRILLING METHOD** Rotary  
**DATE COMPLETED** Feb 22 2000 **TOTAL DEPTH** 361 ft. **DEPTH COMPLETED** 361 ft.

5. **GEOLOGIC LOG:**  
Depth Description of Material (Type, Size, Color, Water Location)

0-3	Topsoil
3-17	Sand
17-30	Sand & Clay
30-45	Clay
45-50	Shale
50-80	Sandstone
80-180	Shale & Sandstone
180-240	Shale
240-260	Little Coal & Shale
260-310	Shale
310-355	Sandstone
355-361	Shale

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

8 5/8	0	20
6 1/4	20	361

7. **PLAIN CASING**

OD (in)	Kind	Wall Size	From(ft)	To(ft)
6 5/8	Steel	188	+1	20
4 1/2	PVC	1/4	15	301

**PERF. CASING: Screen Slot Size:** 30th

4 1/2	PVC	1/4	301	361
-------	-----	-----	-----	-----

8. **FILTER PACK:**  
Material Silica Sand  
Size 8-12  
Interval 165-361

9. **PACKER PLACEMENT:**  
Type         
Depth       

10. **GROUTING RECORD:**  
Material Amount Density Interval Placement  
Cemented 2 Sack 12 Gal 0-20 Poured  
Cemented 2 Sack 14 Gal 145-165 Pumped  
Tremie Pipe

REMARKS:       

11. **DISINFECTION:** Type H TH Amt. Used 1/2 Cup

12. **WELL TEST DATA:** ☐ Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.  
**TESTING METHOD** Aired and Bailed  
**Static Level** 240 ft. **Date/Time measured** Feb 22 2000, **Production Rate** 15 gpm.  
**Pumping level** 290 ft. **Date/Time measured** Feb 22 2000, **Test length (hrs.)** 4  
**Remarks**       

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

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

**Name/Title (Please type or print)** T.R. Hamacher **Signature** T.R. Hamacher **Date** Feb 23 2000



# PUBLISHER'S AFFIDAVIT

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ELBERT )

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

June 2, 2011

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

June 9, 2011

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

9 day of June, 2011  
Nikki Lister  
Notary Public

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

## Determinations of Water Right

### BEFORE THE COLORADO GROUND WATER COMMISSION

#### KIOWA-BIJOU DESIGNATED GROUND WATER BASIN - ELBERT COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Brian Michael Luke and Mora Lea Luke (hereinafter "applicant") have applied for determinations of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills, Arapahoe, Denver, and Lower Dawson aquifers underlying 27.99 acres generally described as part of the SW1/4 of the NW1/4 and part of the NW1/4 of the SW1/4 of Section 1, in Township 6 South, Range 64 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above-described aquifers under this property. The ground water allocations from these aquifers will be used on the described property and an additional 8 acres outside of Designated Basins generally described as part of the SE1/4 of the NE1/4 and part of the NE1/4 of the SE1/4 of Section 2, in Township 6 South, Range 64 West, of the 6th P.M. for the following beneficial uses: irrigation, domestic, commercial, industrial, recreational, stock watering, fire protection, manufacturing, fish and wildlife, sanitary uses, replacement and augmentation. 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: 6.72 acre-feet for the Laramie-Fox Hills, 9.75 acre-feet for the Arapahoe, 11.3 acre-feet for the Denver, and no ground water for the Lower Dawson, subject to final staff evaluation. The estimated available annual acre-feet allocation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data. The amount for the Denver aquifer represents a reduction in the initial annual amount determined to be available to allow for the annual withdrawal of a small-capacity well located on the described property area, permit no. 222785.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the above aquifers underlying the above-described property to be as follows: nontributary for the Laramie-Fox Hills, nontributary for the Arapahoe, and not-nontributary (4% replacement) for the Denver underlying. 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 27.99 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 per aquifer fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by July 11, 2011.

First Publication June 2, 2011

Final Publication June 9, 2011

In Ranchland News

Legal No. 15,125





DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

July 20, 2011

Brian Michael Luke  
and Mora Lea Luke  
7555 Patrick Trail  
Elizabeth, CO 80107

**RE: Determination of Water Right Nos. 2534-BD, 2535-BD and 2536-BD**

Dear Mr. and Mrs. Luke:

Enclosed are copies of the Colorado Ground Water Commission's Findings and Orders for the above referenced Determination of Water Rights for the allocation of ground water in the Laramie-Fox Hills, Arapahoe and Denver aquifers. These Findings and Orders are the Commission's approval of your applications for determinations of rights to ground water in the above stated aquifers. These documents contain important information about your water rights and should be reviewed and retained for your records.

As indicated in the Orders, a copy of these Findings and Orders must be recorded in the public records of the county in which the overlying land is located so that a title examination of any part of the overlying land reveals the existence of these determinations. Additional copies of the Findings and Orders are enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Justina P. Farris  
Physical Science Researcher Scientist  
Designated Basins Branch

Enclosures: a/s

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-2223  
[www.water.state.co.us](http://www.water.state.co.us)