Docket Number: 1

IRRIGATION WELL

Preliminary Docket Information

DOCKET INFORMATION

Docket #: SAND 0001 **Type** *(PC, APP, RIP, FRR, PWR, GW, ACQ)*: APP, GW

Docket Title: Non-exempt Irrigation Well

Park Unit: Sand Creek Massacre National Historic Site **Region:** Intermountain

State: Colorado **County:** Kiowa

Source: *Groundwater* ☒ *Surface Water* ☐ **Source Name:** (formerly) Dawson Well #1

POD Name / Location: NW1/4 SW1/4 Section 30 T17S R45W

POU Name / Location:

Quantity: *(include units – gpm, afy, etc.)*

Use(s): Irrigation , , ,

Application #: **Date:** 6/20/2007

Permit #: 13260-R-R **Date Issued:** 8/22/2007

License / Certificate #: W-3235 **Priority Date:** 5/31/1956

Owner: National Park Service

Narrative / Remarks: *(history, status, etc)*

The initial registration for this well (Permit# 13260) was completed in 1960 by Lloyd Philpy, with first use indicated as May of 1956. In 1963, J.W. Dawson purchased the parcel from Philpy and in 1972 filed an application to CDWR Division 2 Water Court for underground water rights for well permit #13260 (also known as Dawson Well No. 1) in addition to 13 other wells. It should be noted that in some historical documentation associated with this well, the well permit number has been incorrectly noted as #13280.

In 1974, by ruling of Case #W-3235, an underground water right was granted for Well #13260 with a priority date of May 31, 1956. On December 19th, 2003, the Cheyenne and Arapaho Tribes of Oklahoma purchased the parcel associated with Permit #13260 from Dawson. In September 2006, the NPS acquired the parcel from the Cheyenne and Arapaho Tribes of Oklahoma. In June 2007, Park staff filed a water well permit application for replacement of the existing non-exempt well for irrigation. The POD was incorrectly noted as R46W in the application which was corrected to 45W in the approved permit.

On August 22, 2007 Permit #13260-R-R was issued to the NPS to drill a new well. As a part of the application, a construction variance was required since the shallow alluvial well would have less than 20 feet of watertight steel casing. On November 2007, the replacement well was completed in alluvium to a total depth of 30 feet. The well is screened from 10 to 30 feet and has a static water level of approximately 7 feet bls. Conditions of the well permit #13260-R-R required the abandonment of the existing well (permit# 13260-R), which was plugged and abandoned on December 20, 2007.

Permit# 13260-R-R states that water use is restricted to irrigation of 20 acres of native grass with pumping not to exceed 300 gpm and annual pumping not to exceed 100 acre feet per year (afy). The

groundwater withdrawn from the well is not being treated and therefore, is only used for non-potable purposes. A 45 gpm pump was installed in 2008. The collection of monthly meter readings for this well did not begin until March 2015.

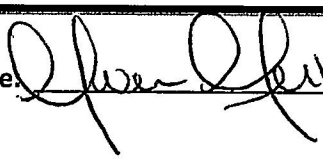
Current and future uses for the groundwater withdrawn from this well will be drip irrigation of new plantings, dust abatement, native vegetation restoration, emergency fire suppression, cleaning of park structures and equipment, and other miscellaneous outside projects. It is also possible that this well may be used in the future to provide a supplemental source of potable water if the pumping limits on the commercial-exempt well are reached.

This well is non-exempt and is administered by the CDWR and governed by the priority system. Since this non-exempt irrigation well is within the Arkansas River Basin, replacement (a/k/a augmentation) of its depletions from groundwater pumping is required by CDWR's "Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, Colorado" (Rules).

Based on the location of SAND within the Arkansas River Basin, compliance with the Rules can be achieved through membership in the Lower Arkansas Water Management Association (LAWMA). LAWMA was formed as a private "membership" association for the purpose of providing replacement water to the Arkansas River from below John Martin reservoir to the Kansas State line. It is a shares-based organization similar to a mutual ditch company, which is governed by Articles and By-Laws (1 share = 1 acre foot). LAWMA has two classes of shares – common and preferred. A preferred share allows a participating well to pump a fixed volume of groundwater regardless of general hydrologic conditions, whereas the volume of groundwater that may be pumped pursuant to a common share varies with the yearly allocation set by the Board.

Prior to August 2015, Park staff leased shares from a LAWMA shareholder on a temporary basis while searching for an opportunity to purchase shares. On August 7, 2015, SAND purchased one common share of LAWMA stock as recommended by NPS-WRB. According to Don Higbee and Randy Hendrix of LAWMA, in the last 18 years the annual allocation for a common share ranged from a low of 20% in 2003/2004 to a high of 110% in 1998 through 2002. This equates to an allowable pumping at SAND ranging between 5 and 27.5 afy (or 1,629,500 to 8,962,250 gpy).

SAND will receive a notice every year by April 1st from LAWMA indicating the annual allowable pumping from the non-exempt well. LAWMA requires that a monthly well usage report be filled out by the Park staff and returned. LAWMA will send out an annual fees letter out after January 1st of each year with payment in full due by no later than February 10th. LAWMA forwards this information on to the CDWR. Because SAND is now a LAWMA shareholder and member, LAWMA will submit an application to Division 2 Water Court to have SAND well #13260-R-R added to their decreed augmentation plan. NPS-WRB has requested that the application include the actual current and future uses and the correct decreed well location for W-3235. The correct well location should be NW1/4 SW1/4 of S30 T17S R45W (not SW1/4 SW1/4 of S30 T17S R45W).

Compiled by: Gwen Gerber **Signature:**  **Date:** 1/8/2016

National Park Service
Water Resources Division -Water Rights Branch
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525

DOCKET INFORMATION

Docket #: SAND 001 **Type** *(PC, APP, RIP, FRR, PWR, GW, ACQ)*: APP, GW

Docket Title: Dawson Well #1 as known by the State of Colorado Division of Water Resources

Park Unit: Sand Creek Massacre National Historic Site **Region**: Intermountain

State: Colorado **County:** Kiowa

Source: *Groundwater* ☒ *Surface Water* ☐ **Source Name:** Well

POD Name / Location: NW1/4 SW1/4 Section 30 T17S R45W

POU Name / Location:

Quantity: not to exceed 100 gpm *(include units – gpm, afy, etc.)*

Use(s): Irrigation , fire supression , dust abatement , sanitation backup

Application #: **Date:** 6/20/2007

Permit #: 82373-F **Date Issued:** 8/07/2018

License / Certificate #: W-3235 **Priority Date:** 5/31/1956

Owner: National Park Service

Narrative / Remarks: *(history, status, etc)* This permit cancels permit no. 13260-R-R. This is a change of use on an existing well. The condition is that the well is operated in accordance with the Lower Arkansas Water Management Association (LAWMA) Augmentation Plan approved by the Division 2 Water Court case no. 17CW3001, as an additional structure added to the origianl Division 2 Water Court decree in 02CW181.

Compiled by: Chris Gable **Signature:** **Date:** 12/20/2021

National Park Service
Water Resources Division -Water Rights Branch
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525

02 STATE

Sand Creek Massacre National Historic Site

IRRIGATION WELL

State Water Rights Documentation

26-1960: Well Registration Form

SEP 19 1960 SEP 30 1960 MAR 28 1967

Form F (Rev.) 7-57/5M

Best Copy Available

RECEIVED
APR 28 1960
GROUND WATER SECT.
STATE ENG.

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OF THE STATE ENGINEER, GROUND WATER SECTION

13260
REGISTRATION NO. _____ OF WELL

Registrant Y. W. & William Dawson Lloyd D. Philpy Brandon,

Date 4-26 1960

P.O. Address Box 429 EADS, Colo.

WELL DATA

Depth 301 ft. Diameter 30 in.

Casing : 10 ft. Plain; 20 ft. Perfor.

Static Water Level 61 ft. from top

Yield 300 (gpm)(cfs) from 25 ft.

Used for IRRIGATION on/at

SW¼ OF 30-17-45 KIOWA County
(legal description of land or site)

Water conveyed by PIPE, size 6 INCH

PUMP DATA

Type DENVER PUMP Size 6 INCH

Driven by TRACTOR at 900 RPM

Well was first used MAY, 1956

for IRRIGATION using 300 cfs gpm

Well enlarged NONE, 19__ to deepened

_____ (gpm)(cfs)(ft)

LOG SHOULD BE GIVEN ON REVERSE SIDE IF AVAILABLE

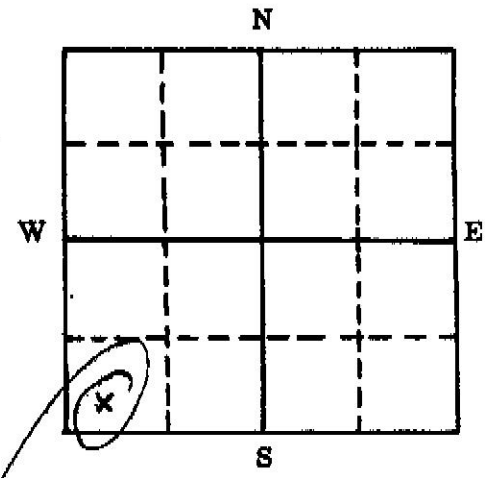
ACCEPTED SUBJECT TO AUDIT OR CORRECTION
STATE ENGINEER

WELL LOCATION 31

County KIOWA COUNTY

SW¼ SW¼ Section 30

Twp. 17S, Rge. 45W 6th PM



WELL TO BE LOCATED AS ACCURATELY AS POSSIBLE WITHIN A SMALL SQUARE WHICH REPRESENTS 40 ACRES; OR IF IN A TOWN OR SUBDIVISION FILL IN THE FOLLOWING:

_____
Town or Subdivision

_____
Street address or Lot and Block

The above well (has) (has not) been registered in the Office of the State Engineer prior to May 1, 1957. If Registered give Filing No. _____.

If NOT Registered prior to May 1, 1957, a $5.00 filing fee accompanies this form.

The above statements are true and correct to the best of my knowledge and belief.

Subscribed and Sworn before me

this 26 day of April, 1960

My commission expires with term of office

Lloyd Philpy
Registrant

(SEAL) Betty Shotton
~~Notary Public~~ Deputy Co. Clerk

FOR STATE ENGINEER'S USE

Located in 2-67 district, Kiowa County for IRRIGATION

Registration No. 225 in 2-67, on APR 28 1960, 19__.

Best Copy Available

DEC 13 1966

To Whom It May Concern;

As of Dec 30-1963 we the undersigned have owned the Sec 30-17S-45W. Kiowa and also the Irrigation well formerly Registered to a Mr. Lloyd Philipy.

J.W. & Wm F. Hawkins
by J.W. Hawkins

Receipt 18471
12-13-66
VK.

RECEIVED
DEC 13 1966
GROUND WATER SECT
COLORADO
STATE ENGINEER

Filed in the office of the Water Clerk
District Court Water Division
No. 2, State of Colorado
JUN 30 '72 PM
12 1 2 3 4 5 6 7
Priscilla Lopez
CLERK

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 2
STATE OF COLORADO
Case No. W-3235

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF

J. W. DAWSON,

IN KIOWA COUNTY,

APPLICATION FOR UNDERGROUND WATER RIGHTS

Name of Applicant: J. W. Dawson

Mailing Address: Chivington, Colorado

DAWSON WELL NO. 1

1. Legal description of location of well:

The Southwest quarter of the Southwest quarter (SW¼SW¼) of Section Thirty (30), Township Seventeen (17) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Thirty (30') feet

3. Date of initiation of appropriation: May, 1956

4. Amount of water claimed in cubic feet per second of time:

.6681 cfs (300 gpm)

5. Proposed use of water: For irrigation of the Southwest quarter (SW¼) of Section Thirty (30), Township Seventeen (17) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

6. Number of well as registered in State Engineer's office:

13280

DAWSON WELL NO. 2

1. Legal description of location of well:

The Southeast quarter of the Southwest quarter (SE¼SW¼) of Section Thirty (30), Township Seventeen (17) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Fifteen (15') feet

3. Date of initiation of appropriation: 1967

4. Amount of water claimed in cubic feet per second of time:

.1113 cfs (50 gpm)

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

29656

DAWSON WELL NO. 3

1. Legal description of location of well:

The Southeast quarter of the Southwest quarter (SE¼SW¼) of Section Thirty (30), Township Seventeen (17) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Seventeen (17') feet

3. Date of initiation of appropriation: 1954

4. Amount of water claimed in cubic feet per second of time:

.1113 cfs (50 gpm)

5. Proposed use of water: Domestic

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 4

1. Legal description of location of well:

The Northwest quarter of the Northeast quarter (NW¼NE¼) of Section Thirty-six (36), Township Seventeen (17) South, Range Forty-six (46) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Thirty (30') feet

3. Date of initiation of appropriation: August 15, 1968

4. Amount of water claimed in cubic feet per second of time:

30 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not registered

DAWSON WELL NO. 5

1. Legal description of location of well:

The Northwest quarter of the Northwest quarter (NW¼NW¼) of Section Nine (9), Township Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Sixty-three (63') feet

3. Date of initiation of appropriation: 1964

4. Amount of water claimed in cubic feet per second of time:

.1113 cfs (50 gpm)

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 6

1. Legal description of location of well:

The Northwest quarter of the Northwest quarter (NW¼NW¼) of Section Nine (9), Townshio Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Seventy (70') feet

3. Date of initiation of appropriation: 1963

4. Amount of water claimed in cubic feet per second of time:

.1559 cfs (70 gpm)

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 7

1. Legal description of location of well:

The Southeast quarter of the Northwest quarter (SE¼NW¼) of Section Three (3), Township Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Thirty-nine (39') feet

3. Date of initiation of appropriation: 1966

4. Amount of water claimed in cubic feet per second of time:

35 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 8

1. Legal description of location of well:

The Northwest quarter of the Southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of Section Five (5), Township Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Thirty-five (35') feet

3. Date of initiation of appropriation: 1970

4. Amount of water claimed in cubic feet per second of time:

30 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 9

1. Legal description of location of well:

The Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section Nine (9), Township Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Forty (40') feet

3. Date of initiation of appropriation: 1948

4. Amount of water claimed in cubic feet per second of time:

40 gpm

5. Proposed use of water: Domestic

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 10

1. Legal description of location of well:

The Northeast quarter of the Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section Nine (9), Township Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Forty (40') feet

3. Date of initiation of appropriation: 1955

4. Amount of water claimed in cubic feet per second of time:

15 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 11

1. Legal description of location of well:

The Northwest quarter of the Northeast quarter (NW¼NE¼) of Section Thirty-six (36), Township Seventeen (17) South, Range Forty-six (46) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Sixteen (16') feet

3. Date of initiation of appropriation: 1955

4. Amount of water claimed in cubic feet per second of time:

10 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 12

1. Legal description of location of well:

The Northeast quarter of the Southeast quarter (NE¼SE¼) of Section Nine (9), Township Ninteen (19) South, Range Forty-five (45) West of 6th P.M., Kiowa County, Colorado.

2. Depth of well: Seventy-five (75') feet

3. Date of initiation of appropriation: August 15, 1970

4. Amount of water claimed in cubic feet per second of time:

.1113 cfs (50 gpm)

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 13

1. Legal description of location of well:

The Northeast quarter of the Northeast quarter (NE¼NE¼) of Section Twenty-two (22), Township Fifteen (15) South, Range Forty-six (46) West of the 6th P.M., Kiowa County, Colorado.

2. Depth of well: One Hundred Ninty (190') feet

3. Date of initiation of appropriation: June, 1968

4. Amount of water claimed in cubic feet per second of time:

30 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

DAWSON WELL NO. 14

1. Legal description of location of well:

The Northwest quarter of the Southwest quarter (NW¼SW¼) of Section Twenty-seven (27), Township Fifteen (15) South, Range Forty-six (46) West of the 6th P.M., Kiowa County, Colorado.

2. Depth of well: Eighteen (18') feet

3. Date of initiation of appropriation: June, 1968

4. Amount of water claimed in cubic feet per second of time:

30 gpm

5. Proposed use of water: Stock

6. Number of well as registered in State Engineer's office:

Not Registered

JOHNSON, McLACHLAN & TEMPEL

By George McLachlan
GEORGE McLACHLAN
Attorney for Applicatnt
110 East Oak, Box 350
Lamar, Colorado 81052
336-4308

STATE OF COLORADO)
) ss.
County of Prowers)

GEORGE McLACHLAN, being first duly sworn, upon his oath, deposes and says that he has read the foregoing application, that he knows the contents thereof and that the same are true.

George McLachlan

Subscribed and sworn to before me this 29th day of June, 1972.

My commission expires: May 16, 1976

Debra Dysinger
Notary Public

DEBRA DYSINGER NOTARY PUBLIC STATE OF COLORADO

A F F I D A V I T

STATE OF COLORADO)
) ss.
County of Prowers)

The Undersigned, being duly sworn, says that he is familiar with the following described wells on the J. W. DAWSON property and has been familiar with them since the same were drilled.

That the following described wells were drilled at the approximate time said opposite the No. of the well and produces the amount of water also shown opposite the No. of the well.

	Permit No.	Description	Yield
1.	13280	SW¼SW¼ of Section 30-17-45	300 gpm
2.	29656	SE¼SW¼ of Section 30-17-45	50 gpm
3.	Not Registered	SE¼SW¼ of Section 30-17-45	50 gpm
4.	Not Registered	NW¼NE¼ of Section 36-17-46	30 gpm
5.	Not Registered	NW½NW¼ of Section 9-19-45	50 gpm

FURTHER AFFIANT SAYETH NOT.

Leo M Hainer

Subscribed and sworn to before me this 29th day of June, 1972.

My commission expires: May 16, 1976

Debra Dysinger
Notary Public

DEBRA DYSINGER NOTARY PUBLIC STATE OF COLORADO

A F F I D A V I T

STATE OF COLORADO)
) ss.
County of Prowers)

The Undersigned, being duly sworn, says that he is familiar with the following described wells on the J. W. DAWSON property and has been familiar with them since the same were drilled.

That the following described wells were drilled at the approximate time said opposite the No. of the well and produces the amount of water also shown opposite the No. of the well.

	Permit No.	Description	Yield
6.	Not Registered	NW¼NW¼ of Section 9-19-45	70 gpm
7.	Not Registered	SE¼NW¼ of Section 3-19-45	35 gpm
8.	Not Registered	NW½SE¼ of Section 5-19-45	30 gpm
9.	Not Registered	NW¼NW¼ of Section 9-19-45	40 gpm
10.	Not Registered	NE¼SE¼ of Section 9-19-45	15 gpm
11.	Not Registered	NW¼NE¼ of Section 36-17-46	10 gpm
12.	Not Registered	NE¼SE¼ of Section 9-19-45	50 gpm

FURTHER AFFIANT SAYETH NOT.

Leo McHaines

Subscribed and sworn to before me this 29th day of June, 1972.

My commission expires: May 16, 1976

Debra Dysinger
Notary Public

DEBRA DYSINGER NOTARY PUBLIC STATE OF COLORADO

AFFIDAVIT

STATE OF COLORADO)
) ss.
County of Prowers)

The Undersigned, being duly sworn, says that he is familiar with the following described wells on the J. W. DAWSON property and has been familiar with them since the same were drilled.

That the following described wells were drilled at the approximate time said opposite the No. of the well and produces the amount of water also shown opposite the No. of the well.

	Permit No.	Description	Yield
13.	Not Registered	NE¼NE¼ of Section 22-15-46	30 gpm
14.	Not Registered	NW¼SW¼ of Section 27-15-46	30 gpm

FURTHER AFFIANT SAYETH NOT.

Les M Hainer

Subscribed and sworn to before me this 29th day of June, 1972.

My commission expires: May 16, 1976

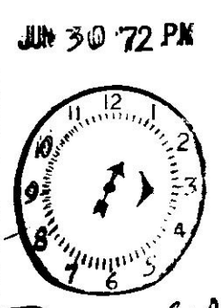
Debra Dysinger
Notary Public

DEBRA DYSINGER NOTARY PUBLIC STATE OF COLORADO

Case No. W-3233

Filed in the office of the Clerk, Water Court, Water Division No. 2, State of Colorado

JUN 30 '72 PM



Clerk

COPY OF APPLICATION SUBMITTED TO:
WATER REFEREE, DIVISION ENGINEER
AND STATE ENGINEER
DATE: JUN 30 1972

Deputy Clerk, Water Div. No. 2

PURSUANT TO CRS 1963, 148-21-10 (7), AS AMENDED, IT IS ORDERED:

CASE REFERRED TO WALLACE A. DOE JUN 30 1972

WATER REFEREE

RULING DUE NOT LATER THAN

DATE MAR 30 1973

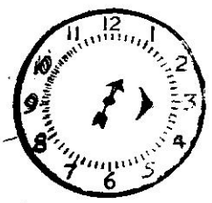
William E. Gahan

WATER JUDGE

Division vs. , Case No. W-3235

Filed in the office of the Clerk of the District Court Water Division No. 2, State of Colorado

JUN 30 '72 PM



CLERK

COPY OF APPLICATION SUBMITTED TO:
WATER REFEREE, DIVISION ENGINEER
AND STATE ENGINEER
DATE: JUN 30 1972

DEPUTY CLERK, WATER DIV. NO. 2

PURSUANT TO CRS 1963, 148 - 21 - 10 (7),
AS AMENDED, IT IS ORDERED:
CASE REFERRED TO WALLACE A. DOE JUN 30 1972

WATER REFEREE

RULING DUE NOT LATER THAN
DATE MAR 30 1973

WATER JUDGE

06-29-1972: Application for Underground Water Rights: J.W. Dawson et al, Case No. W-3156

MR 1-5-66

27

STATE OF COLORADO

APPLICATION FOR: [X] A PERMIT TO USE GROUND WATER
[X] A PERMIT TO CONSTRUCT A WELL
[ ] OTHER

Application must be completed satisfactorily before acceptance

JAN 2 GROUND STATE

PRINT OR TYPE

APPLICANT J. W. & William F. Dawson

Street Address —

City & State Brandon, Colo

Use of ground water stock only

Owner of land on which well is located same

Number of acres to be irrigated —

Legal description of irrigated land —

Other water rights on this land —

Owner of irrigated land same

Aquifer(s) ground water is to be obtained from Alluvium

LOCATION OF WELL

COUNTY Kiowa

SE ¼ SW ¼, sec. 30

T. 17S, R. 45W, 6 P.M.

Ground Water Basin

Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller Self No.

Driller's Address

William F. Dawson
Signature of Applicant

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 50 GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity — AF

Anticipated start of drilling Summer 1967

Hole Diameter:
5½ in. from 0 ft. to 15 ft.
in. from ft. to ft.

Casing:
Plain 5½ in. from 0 ft. to 12 ft.
in. from ft. to ft.
Perf. 5½ in. from 12± ft. to 15± ft.
in. from ft. to ft.

PUMP DATA:
Type Jet HP Outlet Size 1¼

CONDITIONS OF APPROVAL

This application approved
PERMIT NUMBER 29656
DATE ISSUED JAN 25 1967
Ralph Carlile
State Engineer
Leo W. Gilbert
by

This application approved
CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED

Chairman Ground Water Commission
by

(OVER)

06-29-1972: Application for Underground Water Rights: J.W. Dawson vs. ; Case No. W-5235

WRJ 25-66

Late registration

(3)

RECEIVED
JAN 24 1967
GROUND WATER SECT.
COLORADO
STATE ENGINEER

STATE OF COLORADO

APPLICATION FOR: // A PERMIT TO USE GROUND WATER
// A PERMIT TO CONSTRUCT A WELL
/X/ OTHER

Application must be completed satisfactorily before acceptance

PRINT OR TYPE

APPLICANT J.W. & William F. Dawson

Street Address

City & State Brandon, Colo.

Use of ground water domestic

Owner of land on which well is located same

Number of acres to be irrigated —

Legal description of irrigated land —

Other water rights on this land —

Owner of irrigated land same

Aquifer(s) ground water is to be obtained from alluvium

LOCATION OF WELL

COUNTY Kiowa

SE ¼ SW ¼, sec. 30

T. 17S, R. 45W, 6 P.M.

Ground Water Basin

Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller No.

Driller's Address

William F. Dawson
Signature of Applicant

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 50 ± GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity — AF

Anticipated start of drilling drilled about 1954 19

Hole Diameter:
5½ in. from 0 ft. to 17 ft.
in. from ft. to ft.

Casing:
Plain 5½ in. from 0 ft. to 12 ft.
in. from ft. to ft.
Perf. 5½ in. from 12 ft. to 17 ft.
in. from ft. to ft.

PUMP DATA:
Type Jet HP Outlet Size 1¼

CONDITIONS OF APPROVAL

This application approved
PERMIT NUMBER
DATE ISSUED
State Engineer
by

This application approved
CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED
Chairman Ground Water Commission
by

(OVER)

THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW. THE LOCATION WILL BE INDICATED BY THE DISTANCES FROM THE SECTION LINES, OR THE DISTANCE AND BEARING FROM GOVERNMENT SURVEY CORNERS OR MONUMENTS.

IF WELL IS FOR IRRIGATION, THE AREA TO BE IRRIGATED MUST BE SHADED OR CROSS-HATCHED.

Domestic wells may be located by the following:

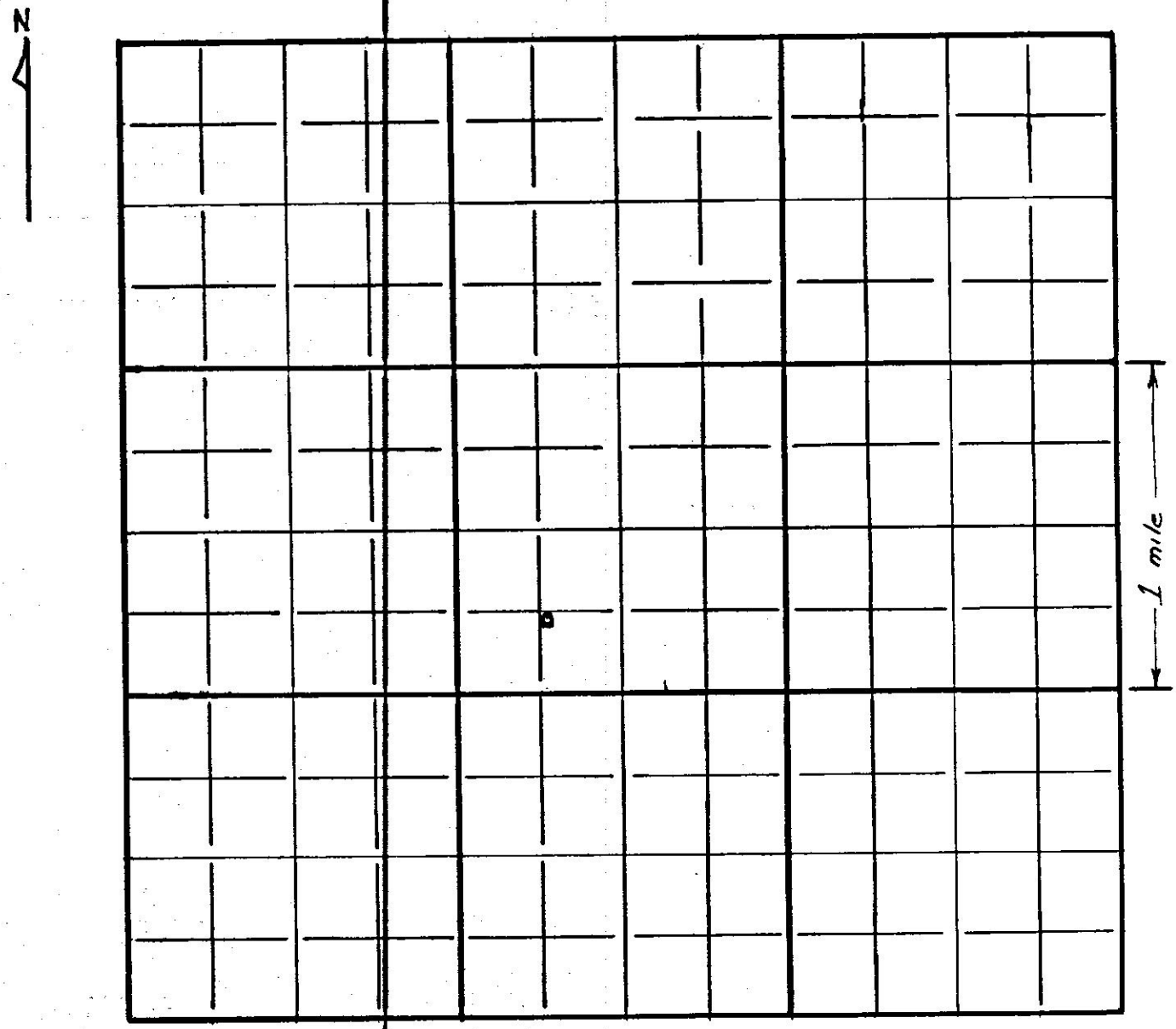
Lot_____ Block_____ Street Address_____

or

_____ City_____

Subdivision

The diagram represents nine (9) sections. Use the center square (section) to indicate the location of the well.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

9-1972: Application for Underground Water Rights. J.W. Dawson vs. Case No. W-3235

WRJ-5-66

Late Registration

(5)

STATE OF COLORADO

APPLICATION FOR: [ ] A PERMIT TO USE GROUND WATER
[ ] A PERMIT TO CONSTRUCT A WELL
[X] OTHER

Application must be completed satisfactorily before acceptance

RECEIVED
JAN 24 1967
GROUND WATER SECT.
COLORADO
STATE ENGINEER

PRINT OR TYPE

APPLICANT J. W. Dawson

Street Address

City & State Brandon, Colo

Use of ground water stock
Owner of land on which well is located as above
Number of acres to be irrigated —
Legal description of irrigated land —
Other water rights on this land —
Owner of irrigated land —
Aquifer(s) ground water is to be obtained from alluvium

LOCATION OF WELL

COUNTY Kiowa

NW ¼ NW ¼, sec. 9

T. 19S, R. 45W, 6 P.M.

Ground Water Basin
Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

old seismic test hole

Driller No.
Driller's Address

J W Dawson
Signature of Applicant

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 50 GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity — AF

Anticipated start of drilling drilled in 1964 19

Hole Diameter:
12 in. from 0 ft. to 63 ft.
in. from ft. to ft.

Casing:
Plain 8 in. from 0 ft. to 33 ft.
in. from ft. to ft.
Perf. 8 in. from 33 ft. to 63 ft.
in. from ft. to ft.

PUMP DATA:
Type sub HP 1½ Outlet Size 1¼

CONDITIONS OF APPROVAL

Denied - drilled & completed without benefit of permit in 1964

This application approved	This application approved
PERMIT NUMBER	CONDITIONAL PERMIT NO.
DATE ISSUED	(Permit good for one (1) year after date of issuance)
State Engineer	DATE ISSUED
by	Chairman Ground Water Commission
	by

(OVER)

THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW. THE LOCATION WILL BE INDICATED BY THE DISTANCES FROM THE SECTION LINES, OR THE DISTANCE AND BEARING FROM GOVERNMENT SURVEY CORNERS OR MONUMENTS.

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Domestic wells may be located by the following:

Lot_____ Block_____ Street Address_____

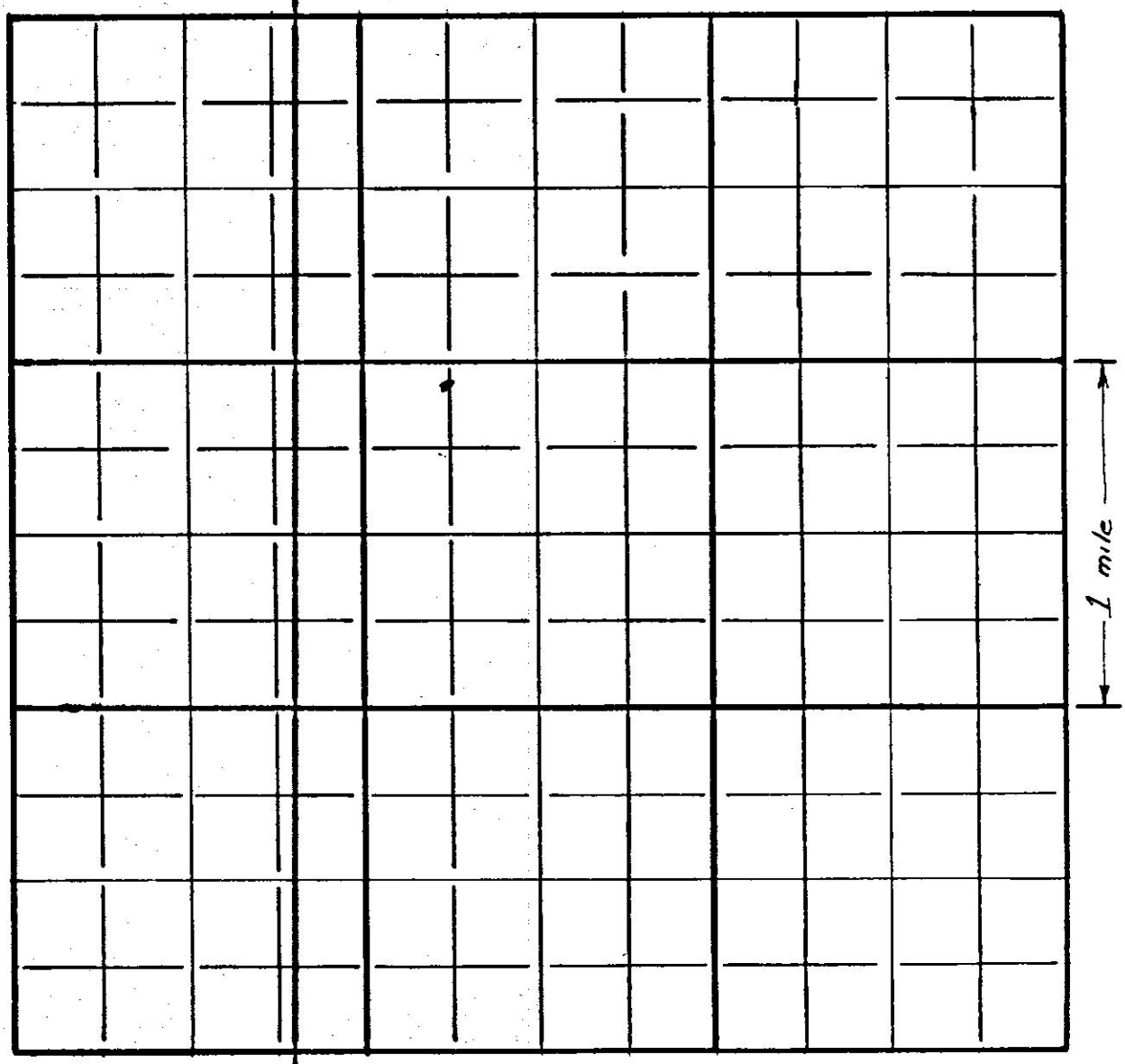
or

_____ City_____

Subdivision

The diagram represents nine (9) sections. Use the center square (section) to indicate the location of the well.

N



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

6-29-1972. Application for Underground Water Rights. J.W. Dawson vs. ; Case No. W-5255

WRJ-5-66

(6)

Late Registration

STATE OF COLORADO

APPLICATION FOR: // A PERMIT TO USE GROUND WATER
// A PERMIT TO CONSTRUCT A WELL
/X/ OTHER

Application must be completed satisfactorily before acceptance

RECEIVED
JAN 24 1967
GROUND WATER SECT.
COLORADO
DENVER

PRINT OR TYPE

APPLICANT J. W. Dawson

Street Address

City & State Brandon, Colorado

Use of ground water stock
Owner of land on which well is located as above
Number of acres to be irrigated —
Legal description of irrigated land —
Other water rights on this land —
Owner of irrigated land as above
Aquifer(s) ground water is to be obtained from alluvium

LOCATION OF WELL

COUNTY Kiowa

NW ¼ NW ¼, sec. 9

T. 19S, R. 45W, 6 P.M.

Ground Water Basin
Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller R. Mix No.
Driller's Address

J W Dawson
Signature of Applicant

CONDITIONS OF APPROVAL

Denied - drilled and completed with out benefit of permit in 1963.

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 70 ± GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity — AF

Anticipated start of drilling drilled in 1963 19

Hole Diameter:
6 in. from 0 ft. to 70 ft.
in. from ft. to ft.

Casing:
Plain 4 in. from 0 ft. to 40 ft.
in. from 60 ft. to 70 ft.
Perf. in. from 40 ft. to 60 ft.
in. from ft. to ft.

PUMP DATA:
Type Jet HP Outlet Size 1¼

This application approved
PERMIT NUMBER
DATE ISSUED

State Engineer

by

This application approved
CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED

Chairman Ground Water Commission

by

(OVER)

THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW. THE LOCATION WILL BE INDICATED BY THE DISTANCES FROM THE SECTION LINES, OR THE DISTANCE AND BEARING FROM GOVERNMENT SURVEY CORNERS OR MONUMENTS.

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Domestic wells may be located by the following:

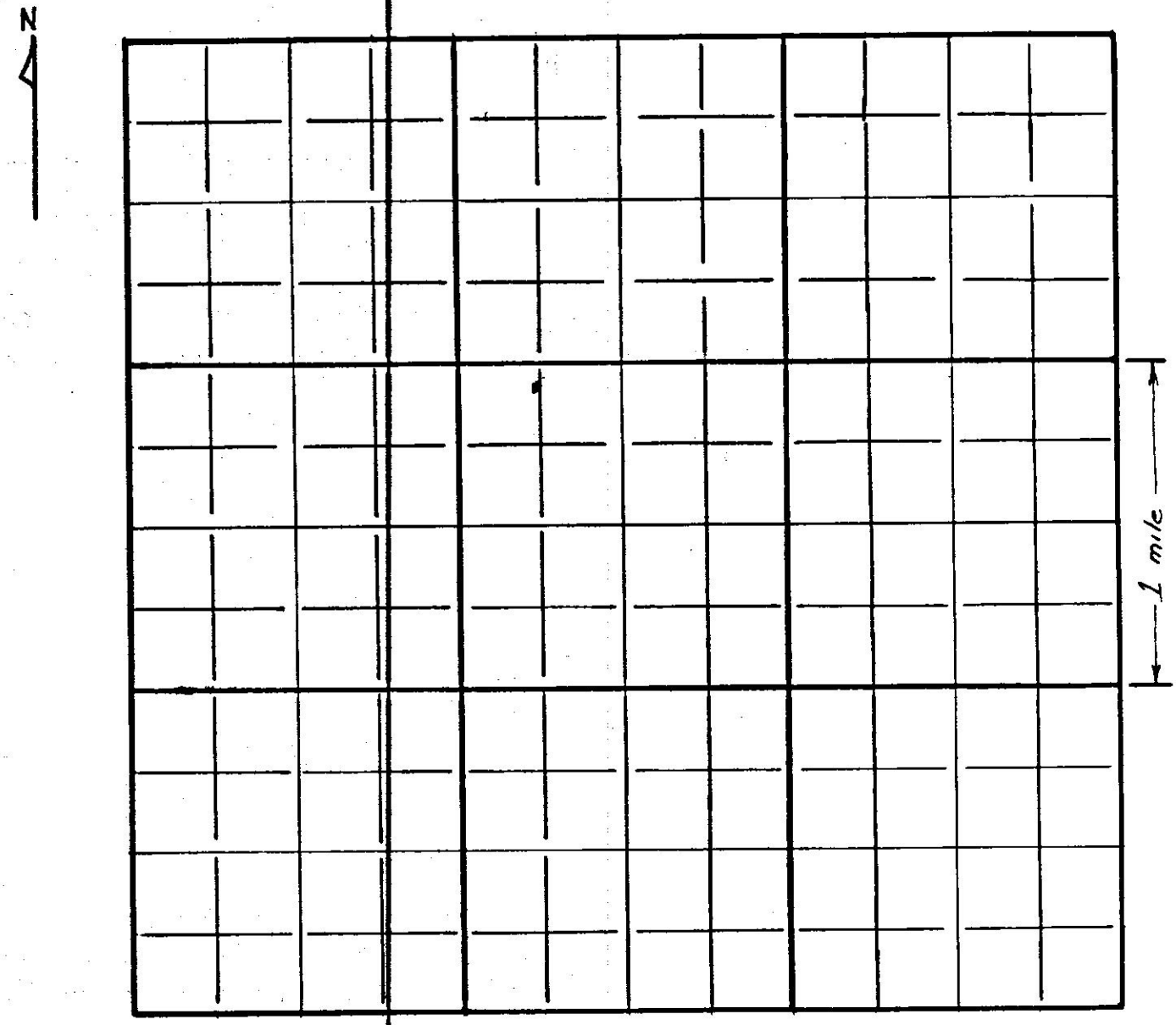
Lot_____ Block_____ Street Address_____

or

_____ City_____

Subdivision

The diagram represents nine (9) sections. Use the center square (section) to indicate the location of the well.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

WRJ-5-66

Late Registration

STATE OF COLORADO

APPLICATION FOR:
/ / A PERMIT TO USE GROUND WATER
/ / A PERMIT TO CONSTRUCT A WELL
/X/ OTHER

Application must be completed satisfactorily before acceptance

RECEIVED
JAN 24 1967
COLORADO WATER CONS. BOARD
COLORADO
STATE ENGINEER

PRINT OR TYPE

APPLICANT J. W. Dawson

Street Address

City & State Brandon, Colo

Use of ground water stock

Owner of land on which well is located as above

Number of acres to be irrigated —

Legal description of irrigated land —

Other water rights on this land —

Owner of irrigated land as above

Aquifer(s) ground water is to be obtained from alluvium

LOCATION OF WELL

COUNTY Kiowa

SE ¼ NW ¼, sec. 3

T. 19S, R. 45W, 6 P.M.

Ground Water Basin

Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller Dixon Drlg No.

Driller's Address

J W Dawson
Signature of Applicant

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 35 ± GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity — AF
Anticipated start of drilling drilled in 1966 19

CONDITIONS OF APPROVAL

Denied - no permit by driller in 1966

Hole Diameter:
14 in. from 0 ft. to 39 ft.
in. from ft. to ft.

Casing:
Plain 14 in. from 0 ft. to 25 ft.
in. from 35 ft. to 39 ft.
Perf. in. from 25 ft. to 35 ft.
in. from ft. to ft.

PUMP DATA:
Type windmill HP — Outlet Size 1¼

This application approved
PERMIT NUMBER
DATE ISSUED
State Engineer
by

This application approved
CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED
Chairman Ground Water Commission
by

(OVER)

6-29-1972. Application for Underground Water Rights. J.W. Dawson vs. , Case No. W-5235

WRJ 5-66

Late Registration 9

STATE OF COLORADO

APPLICATION FOR: // A PERMIT TO USE GROUND WATER
// A PERMIT TO CONSTRUCT A WELL
// OTHER

Application must be completed satisfactorily before acceptance

RECEIVED
JAN 24 1967
WATER SERV
COLORADO
ENGINEER

PRINT OR TYPE

APPLICANT J. W. Dawson

Street Address

City & State Brandon, Colorado

Use of ground water domestic

Owner of land on which well is located as above

Number of acres to be irrigated —

Legal description of irrigated land —

Other water rights on this land —

Owner of irrigated land —

Aquifer(s) ground water is to be obtained from alluvium

LOCATION OF WELL

COUNTY Kiowa

NW ¼ NW ¼, sec. 9

T. 19S, R. 45W, 6 P.M.

Ground Water Basin

Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller self No.

Driller's Address

x J W Dawson
Signature of Applicant

CONDITIONS OF APPROVAL

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 40 GPM or CFS
Est. average annual amount to be used in acre-feet
Storage capacity AF

Anticipated start of drilling Drilled in 1948 19

Hole Diameter:
6 in. from 0 ft. to 40 ft.
in. from ft. to ft.

Casing:
Plain 6 in. from 0 ft. to 20 ft.
in. from ft. to ft.
Perf. 6 in. from 20 ft. to 40 ft.
in. from ft. to ft.

PUMP DATA:
Type Jet HP Outlet Size 1¼

This application approved
PERMIT NUMBER
DATE ISSUED
State Engineer
by

This application approved
CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED
Chairman Ground Water Commission
by

(OVER)

THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW. THE LOCATION WILL BE INDICATED BY THE DISTANCES FROM THE SECTION LINES, OR THE DISTANCE AND BEARING FROM GOVERNMENT SURVEY CORNERS OR MONUMENTS.

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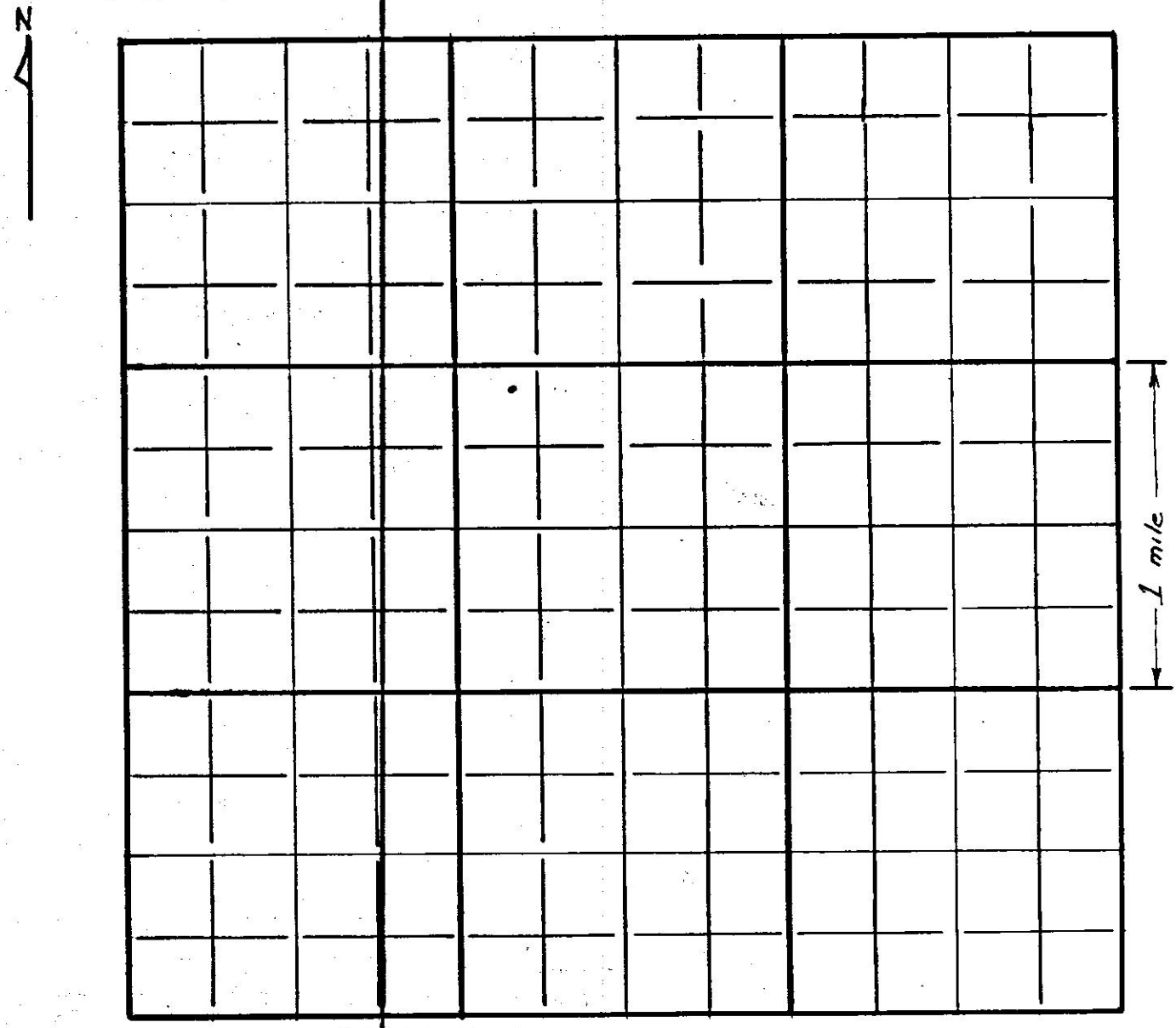
Lot_____ Block_____ Street Address_____

or

_____ City_____

Subdivision

The diagram represents nine (9) sections. Use the center square (section) to indicate the location of the well.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

06-29-1972. Application for Underground Water Rights. J.W. Dawson vs. , Case No. W-3235

WRJ-5-66

Late Registration 10

STATE OF COLORADO

APPLICATION FOR:
- [ ] A PERMIT TO USE GROUND WATER
- [ ] A PERMIT TO CONSTRUCT A WELL
- [x] OTHER

Application must be completed satisfactorily before acceptance

RECEIVED
JAN 24 1967
GROUND WATER SECT.
COLORADO
STATE ENGINEER

PRINT OR TYPE

APPLICANT J.W. Dawson

Street Address

City & State Brandon, Colorado

Use of ground water stock

Owner of land on which well is located as above

Number of acres to be irrigated —

Legal description of irrigated land —

Other water rights on this land —

Owner of irrigated land as above

Aquifer(s) ground water is to be obtained from alluvium

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 15 GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity —

Anticipated start of drilling drilled in 1955 19

Hole Diameter:
6 in. from 0 ft. to 40 ft.
in. from ft. to ft.

Casing:
Plain 5 1/2 in. from 0 ft. to 25 ft.
in. from 35 ft. to 40 ft.
Perf. 5 1/2 in. from 25 ft. to 35 ft.
in. from ft. to ft.

PUMP DATA:
Type windmill HP Outlet Size 1 1/4

LOCATION OF WELL

COUNTY Kiowa

NE ¼ SE ¼, sec. 9

T. 19S, R. 45W, 6 P.M.

Ground Water Basin

Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller Huffman No.

Driller's Address

J.W. Dawson
Signature of Applicant

CONDITIONS OF APPROVAL

This application approved

PERMIT NUMBER

DATE ISSUED

State Engineer

by

This application approved

CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED

Chairman Ground Water Commission

by

(OVER)

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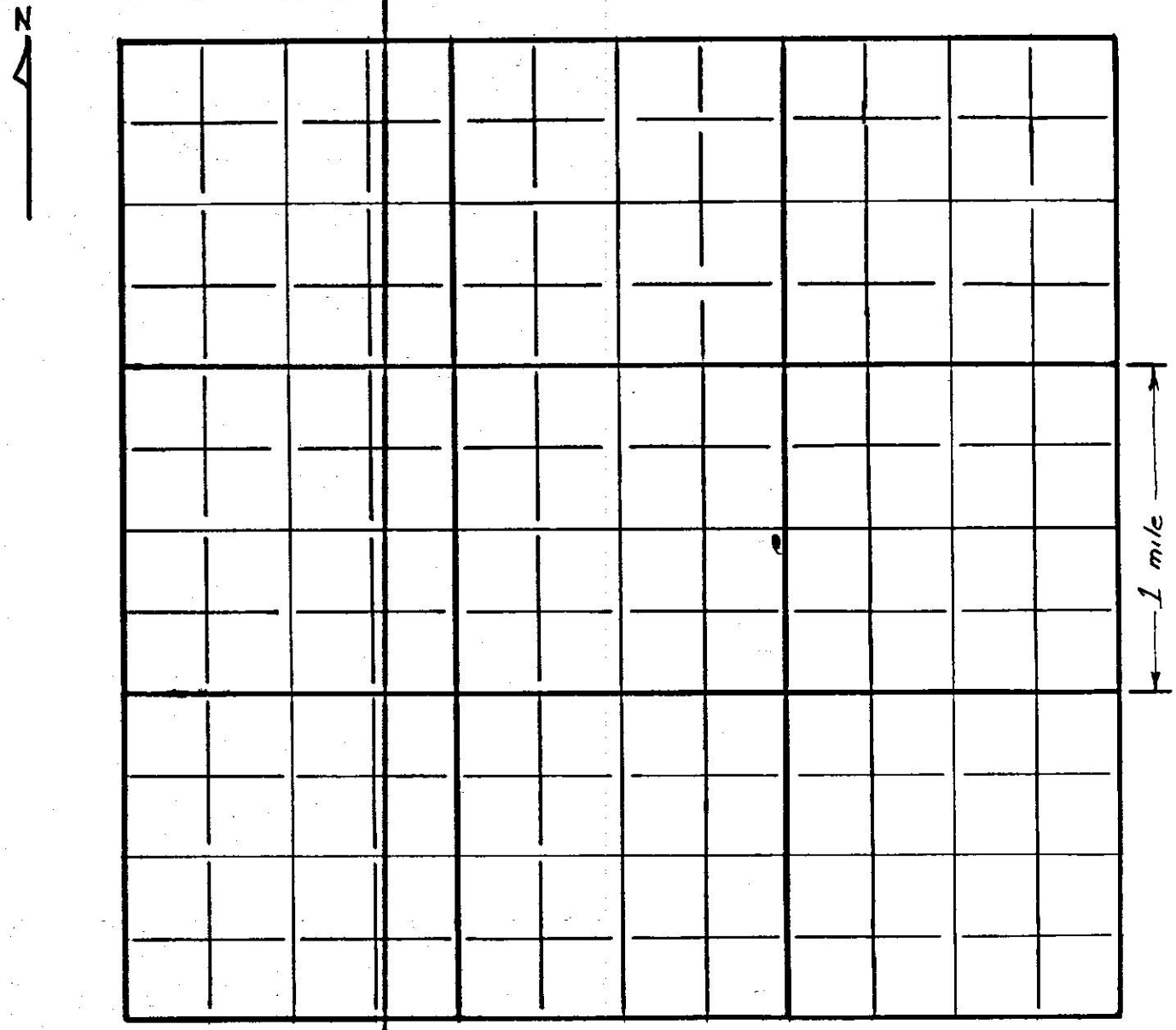
Lot_____ Block_____ Street Address_____

or

_____ City_____

Subdivision

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THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

06-29-1972: Application for Underground Water Rights: J.W. Dawson vs. ; Case No. W-5235

WRJ-5-66

Late registration 11

STATE OF COLORADO

APPLICATION FOR:
/ / A PERMIT TO USE GROUND WATER
/ / A PERMIT TO CONSTRUCT A WELL
/X/ OTHER

Application must be completed satisfactorily before acceptance

RECEIVED
JAN 24 1967
GROUND WATER SECT.
COLORADO
STATE ENGINEER

PRINT OR TYPE

APPLICANT J.W. & William F. Dawson

Street Address

City & State Brandon, Colo.

Use of ground water Stock

Owner of land on which well is located State land

Number of acres to be irrigated —

Legal description of irrigated land —

Other water rights on this land —

Owner of irrigated land State land

Aquifer(s) ground water is to be obtained from alluvium

LOCATION OF WELL

COUNTY Kiowa

NW ¼ NE ¼, sec. 36

T. 17S, R. 46W, 6 P.M.

Ground Water Basin

Water Management District

USE DIAGRAM ON THE BACK OF THIS SHEET TO LOCATE WELL.

Driller No.

Driller's Address

William F. Dawson
Signature of Applicant

ESTIMATED WELL DATA

Est. quantity of ground water to be claimed:
Est. Max. Yield 10 GPM or CFS
Est. average annual amount to be used in acre-feet —
Storage capacity — AF

Anticipated start of drilling drilled in 1955 19

Hole Diameter:
6 in. from 0 ft. to 16 ft.
in. from ft. to ft.

Casing:
Plain 5 in. from 0 ft. to 8 ft.
in. from ft. to ft.
Perf. 5 in. from 8 ft. to 16 ft.
in. from ft. to ft.

PUMP DATA:
Type windmill HP Outlet Size 1½"

CONDITIONS OF APPROVAL

This application approved
PERMIT NUMBER
DATE ISSUED
State Engineer
by

This application approved
CONDITIONAL PERMIT NO.
(Permit good for one (1) year after date of issuance)
DATE ISSUED
Chairman Ground Water Commission
by

(OVER)

THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW. THE LOCATION WILL BE INDICATED BY THE DISTANCES FROM THE SECTION LINES, OR THE DISTANCE AND BEARING FROM GOVERNMENT SURVEY CORNERS OR MONUMENTS.

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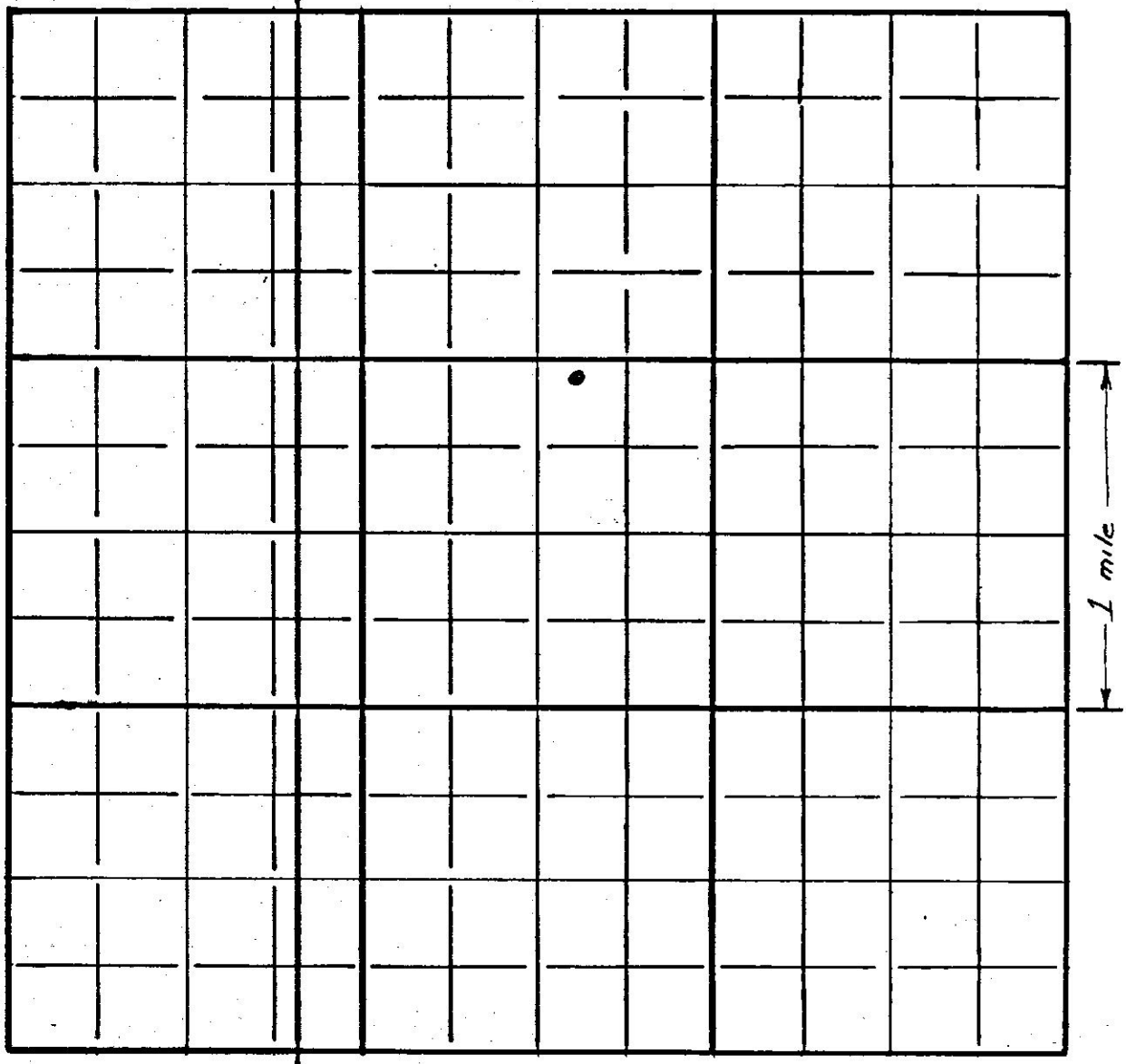
or

_____ City_____

Subdivision

The diagram represents nine (9) sections. Use the center square (section) to indicate the location of the well.

N



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

Filed in the office of the Clerk, District Court Water Division No. 2, State of Colorado
APR 19 '74 AM
CLERK

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 2

STATE OF COLORADO

CASE NO. W-3235

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF

J. W. DAWSON

IN KIOWA COUNTY

JUDGMENT AND DECREE

THE COURT FINDS That no protest has been filed to the Ruling of the Water Referee in the above case within the time provided by law, and that the said Ruling should be confirmed, approved and adopted,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED That the Ruling of the Water Referee entered on March 14, 1974, be and the same is incorporated herein by reference and is hereby confirmed, approved and adopted as the judgment of this Court.

Done this 19th day of April, A. D. 19 74.

BY THE COURT:

William F. Gobin
WATER JUDGE

cc: Johnson, McLachlan & Tempel (2 copies)
Attorneys for Applicant
110 East Oak, Box 350
Lamar, Colorado 81052

Division Engineer

State Engineer

Filed in the office of the Clerk District Court Water Division No. 2, State of Colorado
MAR 14 74 AM
CLERK

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 2

STATE OF COLORADO

CASE NO. W-3235

IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF)
) RULING OF REFEREE
J. W. DAWSON)
)
IN KIOWA COUNTY)

Pursuant to Order of Referral filed and entered in the above case on June 30, 1972, the undersigned Water Referee, having investigated the matter of the application on file herein, hereby makes the following findings and ruling thereon:

FINDINGS OF FACT

1. That the said application was filed on June 30, 1972.

2. That the Water Clerk caused publication of such filing as provided by statute; that the time for filing Statements of Opposition expired on the last day of August, 1972, and that none has been filed.

3. That the said application concerns fourteen wells located in Kiowa County, Colorado, and used for irrigation, stock and domestic purposes.

4. That applicant has furnished acceptable proof as to claims made.

IT IS, THEREFORE, ORDERED AS FOLLOWS: That applicant be, and is hereby, awarded certain absolute underground water rights, to-wit:

NAME AND ADDRESS: J. W. Dawson
Chivington, Colorado

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 1.

LOCATION OF WELL: SW 1/4 of SW 1/4 of Sec. 30, T. 17S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 30 feet.

PRIORITY DATE: May 31, 1956.

AMOUNT OF WATER: 0.6681 c.f.s., or 300 g.p.m., but not to exceed 213 acre feet in any one calendar year.

USE OF WATER: Irrigation purposes on the SW 1/4 of said Section 30.

STATE ENGINEER'S WELL NUMBER: 13280.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 2.

LOCATION OF WELL: SE 1/4 of SW 1/4 of Sec. 30, T. 17S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 15 feet.

PRIORITY DATE: December 31, 1967.

AMOUNT OF WATER: 0.1113 c.f.s., or 50 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: 29656.

MEANS OF DIVERSION: Well and pump.

DEPTH: 17 feet.

PRIORITY DATE: December 31, 1954.

AMOUNT OF WATER: 0.1113 c.f.s., or 50 g.p.m.

USE OF WATER: Domestic purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 4.

LOCATION OF WELL: NW 1/4 of NE 1/4 of Sec. 36, T. 17S., R. 46W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 30 feet.

PRIORITY DATE: August 15, 1968.

AMOUNT OF WATER: 0.067 c.f.s., or 30 g.p.m.

USE OF WATER: Stock watering purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 5.

LOCATION OF WELL: NW 1/4 of NW 1/4 of Sec. 9, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 63 feet.

PRIORITY DATE: December 31, 1964.

AMOUNT OF WATER: 0.1113 c.f.s., or 50 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 6.

LOCATION OF WELL: NW 1/4 of NW 1/4 of Sec. 9, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 70 feet.

PRIORITY DATE: December 31, 1963.

AMOUNT OF WATER: 0.1559 c.f.s., or 70 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 7.

LOCATION OF WELL: SE 1/4 of NW 1/4 of Sec. 3, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 39 feet.

PRIORITY DATE: December 31, 1966.

AMOUNT OF WATER: 0.078 c.f.s., or 35 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 8.

LOCATION OF WELL: NW 1/4 of SE 1/4 of Sec. 5, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 35 feet.

PRIORITY DATE: December 31, 1970.

AMOUNT OF WATER: 0.066 c.f.s., or 30 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 9.

LOCATION OF WELL: NW 1/4 of NW 1/4 of Sec. 9, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 40 feet.

PRIORITY DATE: December 31, 1948.

AMOUNT OF WATER: 0.089 c.f.s., or 40 g.p.m.

USE OF WATER: Domestic purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 10.

LOCATION OF WELL: NE 1/4 of SE 1/4 of Sec. 9, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 40 feet.

PRIORITY DATE: December 31, 1955.

AMOUNT OF WATER: 0.033 c.f.s., or 15 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 11.

LOCATION OF WELL: NW 1/4 of NE 1/4 of Sec. 36, T. 17S., R. 46W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 16 feet.

PRIORITY DATE: December 31, 1955.

AMOUNT OF WATER: 0.022 c.f.s., or 10 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 12.

LOCATION OF WELL: NE 1/4 of SE 1/4 of Sec. 9, T. 19S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 75 feet.

PRIORITY DATE: August 15, 1970.

AMOUNT OF WATER: 0.1113 c.f.s., or 50 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 13.

LOCATION OF WELL: NE 1/4 of NE 1/4 of Sec. 22, T. 15S., R. 46W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 190 feet.

PRIORITY DATE: June 30, 1968.

AMOUNT OF WATER: 0.066 c.f.s., or 30 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 14.

LOCATION OF WELL: NW 1/4 of SW 1/4 of Sec. 27, T. 15S., R. 46W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 18 feet.

PRIORITY DATE: June 30, 1968.

AMOUNT OF WATER: 0.066 c.f.s., or 30 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: Not registered.

MEANS OF DIVERSION: Well and pump.

IT IS FURTHER ORDERED That applicant shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said Office.

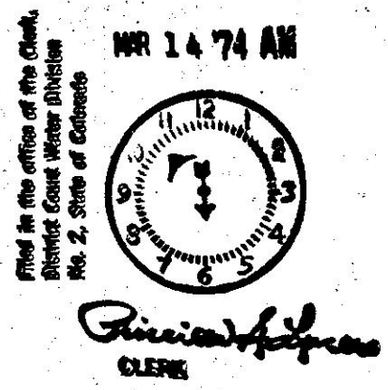
IT IS FURTHER ORDERED That copies of this ruling shall be mailed as provided by statute.

Dated and filed with the Water Clerk this 14th day of March, A. D. 1974.

BY THE REFEREE:

Wallace A. Dow

Water Referee, Water Division No. 2
State of Colorado


Filed in the office of the Clerk,
District Court Water Division
No. 2, State of Colorado
MAR 14 74 AM
CLERK

REGISTER OF ACTIONS, DISTRICT COURT WATER DIVISION NO. 2, STATE OF COLORADO

CAPTION

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF

J. W. DAWSON

IN KIOWA COUNTY

Amended: IN KIOWA AND CHEYENNE COUNTIES

CASE NUMBER

W. O.

3235

NOTICE PUBLISHED

ATTORNEYS: JOHNSON, McLACHLAN & TEMPEL, Attorneys for Applicant, 110 East Oak, Box 350, Lamar, Colorado 81052

PROOF(S) OF PUBLICATION FILED

NATURE OF ACTION: APPLICATION FOR UNDERGROUND WATER RIGHTS (14 Wells)

DATE	~~MICRO. NO.~~ OR BOOK/PAGE	FILINGS AND ORDERS
JUN 30 1972		Application for Underground Water Rights filed.
JUN 30 1972		Order of Referral and Order extending time for Ruling = =of Referee to March 30, 1973, filed and entered, = =(Wallace A. Doe, Water Referee.)
JUN 30 1972		Letter to Clerk from George McLachlan filed.
JUL -3 1972		Order for Publication filed and entered (Order filed = =in Resume Book II, pages 461-483.) (Kiowa and Prowers).
MAR 29 1973	Book VIII P. 85	Order Extending Time for Ruling of Referee to = =February 28, 1974, filed and entered.
FEB 27 1974	Book IX P. 79-80	Order Extending Time for Ruling of Referee to = =February 28, 1975, filed and entered.
MAR 14 1974		Summary of Consultation Between Water Referee and = =Division Engineer filed.
MAR 14 1974	Book XX P. 379-385	Ruling of Referee filed, awarded certain absolute = =underground water rights.
MAR 14 1974		Certificate of Mailing filed. (Receipts attached).
MAR 14 1974		Copy of Memorandum of transmittal filed.
APR 19 1974	Book V P. 506	Judgment and Decree filed and entered, Ruling of = =Referee confirmed.
JUN 19 1975		Letter from Wallace A. Doe, Water Referee, to George = =McLachlan, Attorney, filed, in re location of 2 of the = =wells as given in the application.
JAN -9 1976		Order Remanding Case To Water Referee filed and entered, = =case remanded to Wallce A. Doe, Water Referee, for = =further investigation; Referee shall have to and = =including March 31, 1976, within which to file his = =amendment.
JAN 22 1976		Copy of letter from Wallace A. Doe, Water Referee, = =to George McLachlan, attorney, filed.
MAR -1 1976		Letter of transmittal from M. Kent Olsen, attorney, = =to Clerk filed.
MAR -1 1976		Motion to Amend filed by applicant requesting leave = =of Court to amend the application with respect to the = =location of Wells Nos. 13 and 14.
MAR 11 1976		Order filed and entered, Ruling and Decree set aside = =as to Wells 13 and 14, application amended in re = =location of said two wells as being in Cheyenne County = =instead of Kiowa County, caption also amended.
APR -1 1976		Order for Publication filed and entered, (Resume Book VI, = =Pages 58-61) Publish in Kiowa, Cheyenne and Prowers = =Counties.

(Continued on Page 2)

DATE	MICRO. NO. OR BOOK/PAGE	FILINGS AND ORDERS

DATE	CLERK'S FEES AND OTHER RECEIPTS	PAID IN	PAID OUT
JUN 30 1972	Docket Fee	90.00	
JUN 30 1972	Tax	1.00	91.00
	Receipt No. 4004		

RESUME BOOK		SHERIFF FEES, WITNESS FEES, MILEAGE, ETC.	AMOUNT
BOOK	PAGE		
II	1078-79		
VI	82		

CASE NO. W-3235 - J. W. DAWSON

DATE	MICRO. NO. OR BOOK/PAGE	FILINGS AND ORDERS
APR 30 1976		Order Extending Time for Ruling of Referee to and = =including August 31, 1976, filed and entered.
JUN 10 1976		Summary of Consultation filed.
JUN 10 1976	Book XXXV P. 78-79	Amendment to Ruling of Referee filed in re location = =of Wells 13 and 14.
JUN 10 1976		Certificate of Mailing filed, copies of Amendment to = =Ruling mailed by certified mail--receipts attached.
JUN 10 1976		Memo of transmittal from Clerk to applicant-copy filed.
JUN 23 1976	Book XXXV P. 101-104	Second Amendment to Ruling of Referee (Wells No. 13 and = =14) filed, certain underground water rights awarded in = =re Wells 13 and 14.
JUN 23 1976		Certificate of Mailing filed, copies of Second Amendment = =to Ruling of Referee mailed by certified mail--receipts = =attached.
JUN 23 1976		Copy of memo of transmittal from Clerk to applicant = =in care of his attorneys.
JUL 30 1976	Book XII P. 9	Judgment and Decree filed and entered, Second Amendment = =to Ruling of Referee (Wells No. 13 and 14) confirmed.

11

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST, RM 818, DENVER, CO 80203
phone – info: (303) 866-3587 main: (303) 866-3581 fax: (303) 866-3589
http://www.water.state.co.us

Office Use Only
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WATER RESOURCES
STATE ENGINEER
COLO.

Form GWS-45 (06/2006)

GENERAL PURPOSE
Water Well Permit Application

Review instructions on reverse side prior to completing form.
The form must be completed in black or blue ink or typed.

1. Applicant Information

Name of applicant: National Park Service
Sand Creek Massacre National Historic Site
Mailing address: P. O. Box 249
City: Eads | State: CO | Zip code: 81036
Telephone #: ( )719 383-5014 | E-mail (Optional): karl_zimmermann@nps.gov

2. Type Of Application (check applicable boxes)

- ☐ Construct new well
- ☐ Use existing well
- ☒ Replace existing well
- ☐ Change or increase use
- ☐ Change source (aquifer)
- ☐ Reapplication (expired permit)
- ☐ Other:

3. Refer To (if applicable)

Well permit #: 13260R | Water Court case #: W3235
Designated Basin Determination #: N/A | Well name or #: DAWSON WELL #1

4. Location Of Proposed Well

County: Kiowa
45
NW 1/4 of the SW 1/4

Section	Township	N or S	Range	E or W	Principal Meridian
30	17	☐ N ☒ S	46	☐ E ☒ W	6th

Distance of well from section lines (section lines are typically not property lines)
1480 Ft. from ☐ N ☒ S | 1170 Ft. from ☐ E ☒ W
For replacement wells only – distance and direction from old well to new well
15 feet NW direction
Well location address (Include City, State, Zip) ☐ Check if well address is same as in Item 1.

Optional: GPS well location information in UTM format You must check GPS unit for required settings as follows:

Format must be UTM
☐ Zone 12 or ☒ Zone 13
Units must be Meters
Datum must be NAD83
Unit must be set to true north
Was GPS unit checked for above? ☒ YES
Easting 0717328
Northing 4269278
Remember to set Datum to NAD83

5. Parcel On Which Well Will Be Located
(PLEASE ATTACH A CURRENT DEED FOR THE SUBJECT PARCEL)

A. Legal Description (may be provided as an attachment):

B. # of acres in parcel: 40
C. Owner: National Park Service
D. Will this be the only well on this parcel? ☒ YES ☐ NO (if no – list other wells)
E. State Parcel ID# (optional):

6. Use Of Well (check applicable boxes)

Attach a detailed description of uses applied for.

- ☐ Industrial
- ☐ Municipal
- ☒ Irrigation
- ☐ Commercial
- ☐ Other (describe):

Irrigation of 20 acres of native grass at NPS Office area.

7. Well Data (proposed)

Maximum pumping rate: 300 gpm | Annual amount to be withdrawn: 100 acre-feet
Total depth: 50 feet | Aquifer: GW

8. Land On Which Ground Water Will Be Used

Legal Description (may be provided as an attachment):
20 ac in SW Sec 30, T 17 S, R 46 W
(If used for crop irrigation, attach a scaled map that shows irrigated area.)

A. # Acres: 20 | B. Owner: National Park Service
C. List any other wells or water rights used on this land: NONE

9. Proposed Well Driller License #(optional):

10. Signature Of Applicant(s) Or Authorized Agent

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

Sign here (Must be original signature): Karl Zimmermann | Date: 6/20/07
Print name & title: Karl Zimmermann, Park Ranger

Office Use Only

USGS map name: Kit Carson 4 SE | DWR map no.: 58 P | Surface elev.: 3967

RTA
Rng. is 45(2)
1526 S
1161 W
Well I.D.
670642
use: irr. of 20 ac. in SW¼ of sec. 30, etc.

WE
WR
CWCB
TOPO
MYLAR
SB5

Receipt area only

Trans Number: 3620372
8/21/2007 1:37:45 PM
Pat Morrison (12)
Total Trans Amt: $100.00
CHECK
Check Number: 200045
Check Amount: $100.00

Trans Number: 3620372
8/21/2007 1:37:45 PM
Pat Morrison (12)
Total Trans Amt: $100.00
CHECK
Check Number: 200045
Check Amount: $100.00

DIV WD BA MD

Div. 2 ; W.D. 67

06-20-2007, Well Permit Application
National Park Service
Permit# 13260R

RECEIVED
AUG 21 2007
WATER RESOURCES
STATE ENGINEER
COLO.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 1.

LOCATION OF WELL: SW 1/4 of SW 1/4 of Sec. 30, T. 17S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 30 feet.

PRIORITY DATE: May 31, 1956.

AMOUNT OF WATER: 0.6681 c.f.s., or 300 g.p.m., but not to exceed 213 acre feet in any one calendar year.

USE OF WATER: Irrigation purposes on the SW 1/4 of said Section 30.

STATE ENGINEER'S WELL NUMBER: 13280. — ? 13260-R

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 2.

LOCATION OF WELL: SE 1/4 of SW 1/4 of Sec. 30, T. 17S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

DEPTH: 15 feet.

PRIORITY DATE: December 31, 1967.

AMOUNT OF WATER: 0.1113 c.f.s., or 50 g.p.m.

USE OF WATER: Stock purposes.

STATE ENGINEER'S WELL NUMBER: 29656.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Dawson Well No. 3.

LOCATION OF WELL: SE 1/4 of SW 1/4 of Sec. 30, T. 17S., R. 45W. of the 6th P.M., in Kiowa County, Colorado.

6-20-2007: Well Permit Application
National Park Service
Permit# 13260R

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STATE ENGINEER
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Well Information Report : Ownership and Location

ID# 6706142 Permit# 13260 R Aka P# Cano W 3235 Aka Cano

WrName DAWSON WELL NO 1 Ditchname

Location SW SW 30 17 S 45 W 1300 S 1120 User# Well Code In W Area

Comment JUST 24" CASING DOWN INSIDE A APPROX. 4' DEEP CEMENT PIT

Ownership Information

Owner Types: O=Owner, C=Contact, U=User, R=Reporte

Owner Type R	OWNER OR REPRESENTATIVE	55411 RD W	(719)	729-3529
Organization	JW DAWSON TRUST	CHIVINGTON	CO	81036
Title:				
Owner Type O	OWNER OR REPRESENTATIVE	55411 RD W	(719)	729-3529
Organization	JW DAWSON TRUST	CHIVINGTON	CO	81036
Title:				
Owner Type C	WILLIAM DAWSON	55411 ROAD W	(719)	729-3529
Organization		CHIVINGTON	CO	81036
Title:				

DECREED LOCATION

Q40	Q160	Sec	TS	Range	PM	Dist N/S	N/S	Dist E/W	E/W
SW	SW	30	17 S	45 W	S				

PERMITTED LOCATION

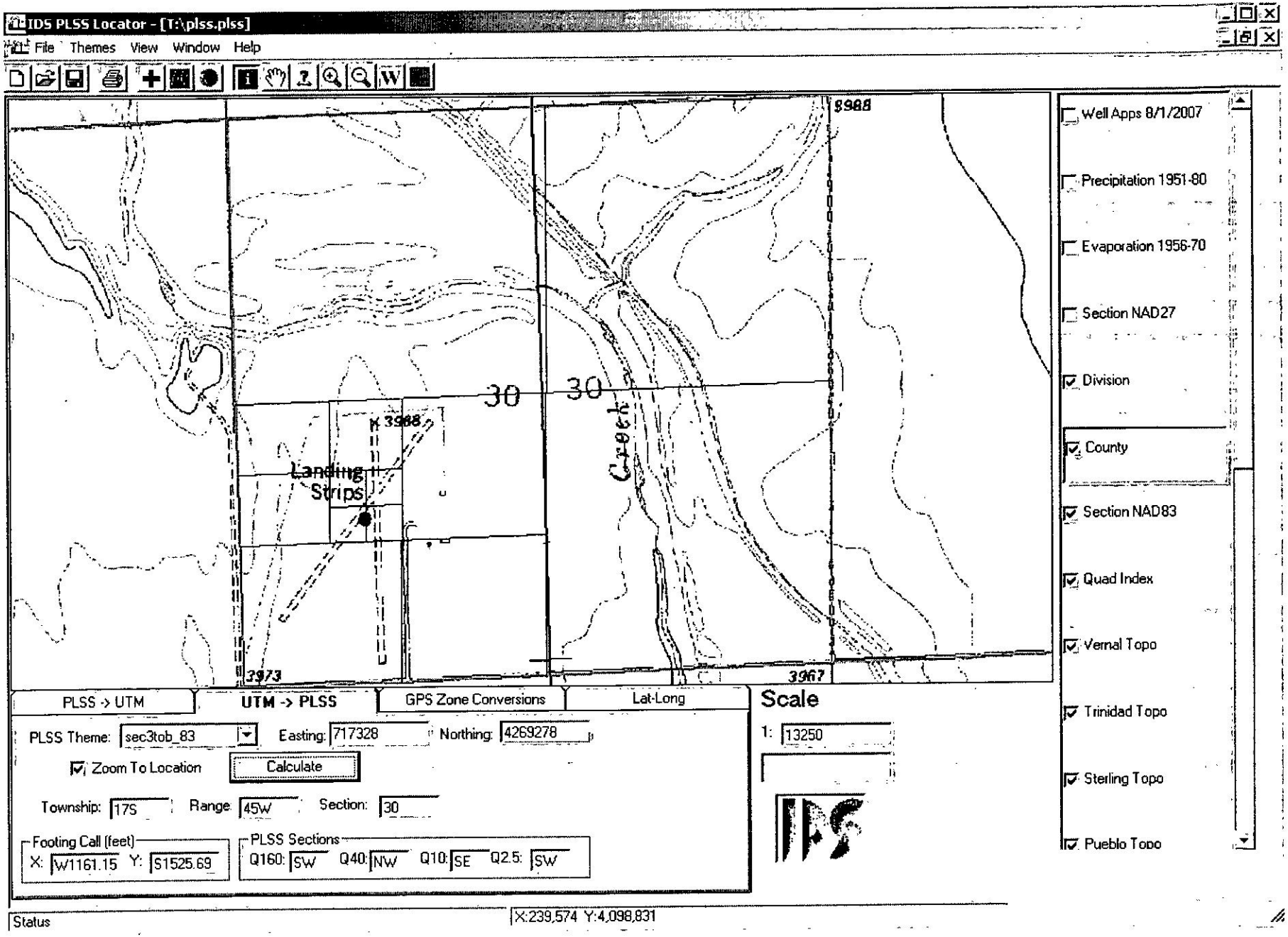
Q40	Q160	Sec	TS	Range	PM	Dist N/S	N/S	Dist E/W	E/W
SW	SW	30	17 S	45 W	S				

GPS DATA

Easting	Northing	Elevation (ft)	Receiver	Date Collected	Datum:

Comments

06-20-2007: Well Permit Application
National Park Service
Permit# 13260R



06-20-2007: Well Permit Application
National Park Service
Permit# 13260R

topozone

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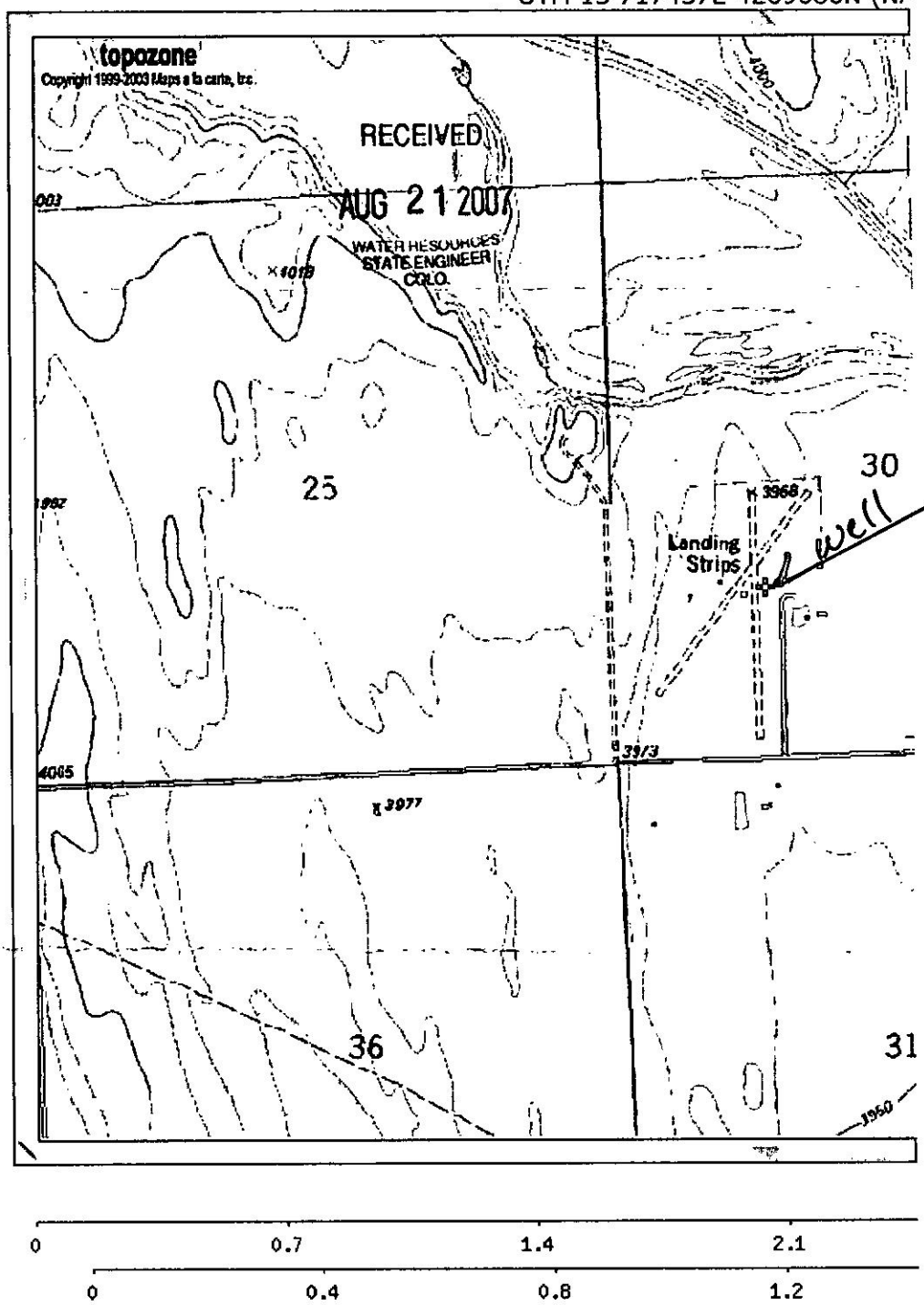
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UTM 13 717437E 4269086N (NA



0 0.7 1.4 2.1

0 0.4 0.8 1.2

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06-20-2007: Well Permit Application
National Park Service
Permit# 13260R

RECEIVED
AUG 21 2007
WATER RESOURCES
STATE ENGINEER
COLO.

WARRANTY DEED

The Cheyenne and Arapaho Tribes of Oklahoma, Grantor, a federally recognized Indian tribe, in consideration of the benefits to accrue to the Grantor, hereby donates and conveys in trust, as provided in Public Law 109-45, to the United States of America the following real property in the County of Kiowa and State of Colorado, to wit:

Township 17 South, Range 45 West of the 6th P.M.
Section 30: Lots 1, 2, 3, 4, E½W½, E½ (ada All)

Township 17 South, Range 46 West of the 6th P.M.
Section 24: E½NW¼, SW¼NE¼, NW¼SE¼
Section 25: All

With all its appurtenances, and warrants the title to the same, subject to the following provision:

The Cheyenne and Arapaho Tribes of Oklahoma understand that the above described property will become part of the Sand Creek Massacre National Historic Site once that site is established by the Secretary of the United States Department of the Interior.

The Tribal Resolution authorizing this conveyance is attached to this warranty deed as Exhibit B.

Darrell Flyingman

Print name and title: DARRELL FLYINGMAN
Governor

State of Oklahoma)
) ss.
County of Canadian)

The foregoing instrument was acknowledged before me on September 9, 2006, by Darrell Flyingman as the duly qualified and fully authorized representative of the Cheyenne and Arapaho Tribes of Oklahoma.

Witness my hand and official seal.

SUSAN HART NOTARY PUBLIC STATE OF OKLAHOMA #06000789 EXP. 01/20/10

e Hart

Notary public

My commission expires: 1/20/10

This instrument is accepted on behalf of the United States of American, Department of the Interior, National Park Service, by Glenna F. Vigil, Realty Officer, Land Resources Program Center, Intermountain Region.

Date: _____, 2006 By: _____
Glenna F. Vigil
Realty Officer, Land Resources

08/20/2007 11:12 #129 P.002/002 FROM:

STATE OF COLORADO
DIVISION OF WATER RESOURCES
Division 2
310 E. Abriendo, Suite B
Pueblo, CO 81004
(719) 542-3368

RECEIVED
AUG 21 2007
WATER RESOURCES
STATE ENGINEER
COLO.

INTEROFFICE MEMORANDUM

TO: TEAM 2

CC:

DATE: AUGUST 15, 2007

FROM: JANET KUZMIAK, DIVISION 2

SUBJECT: **REPLACEMENT WELL -**

PLEASE ISSUE REPLACEMENT WELL, THE DECREE CITES 13280, WELL VIEW CITES 13260 PROBABLY DUE TO THE NUMBER IS NOT CLEARLY STAMPED. THEY ALSO SUBMITTED ABANDONMENT FORMS THAT WERE REQUIRED FOR AN EXEMPT WELL APPROVAL 271899.

NOTE THAT APPLICANT USES RANGE 46 INSTEAD OF 45. PLEASE ISSUE FOR RANGE 45 AND GIVE THEM RIGHT TO APPEAL. GPS DATA IS ENCLOSED.

THANK YOU.

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

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

LIC

WELL PERMIT NUMBER 13260 -R R
DIV. 2 WD 67 DES. BASIN MD

APPLICANT

NATIONAL PARK SERVICE
SAND CK MASSACRE NATL HIST
PO BOX 249
EADS, CO 81036-

(719) 383-5014

APPROVED WELL LOCATION
KIOWA COUNTY
NW 1/4 SW 1/4 Section 30
Township 17 S Range 45 W Sixth P.M.

DISTANCES FROM SECTION LINES
1526 Ft. from South Section Line
1161 Ft. from West Section Line

UTM COORDINATES (Meters,Zone:13,NAD83)
Easting: 717328 Northing: 4269278

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not 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 37-90-137(2) for the replacement of an existing well, permit no. 13260-R (decreed by the Division 2 Water Court in case no. W-3235, Dawson well no. 1). Upon completion of the new well, the old well must be plugged and abandoned in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report form must be submitted within sixty (60) days of abandonment of the old well.
4) Approved on the condition that this well is operated in accordance with the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, Colorado.
5) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to the irrigation of 20 acres in the SW 1/4 of Section 30, Twp. 17 South, Rng. 45 West, 6th P.M.
6) The pumping rate of this well shall not exceed 300 GPM.
7) The average annual amount of ground water to be appropriated by this well shall not exceed 100 acre-feet .
8) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
9) A metering method must be established for this well pursuant to the Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin.
10) This well shall not be constructed any closer to any other existing well than the well it is replacing, if such other well is within 600 feet of the replacement well, is completed in the same aquifer, and is not owned by the applicant. This well shall be constructed not more than 200 feet from the location specified on this permit.
11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
12) The decreed well location quarter/quarter section designation and referenced permit number in case no. W-3235, Dawson well no. 1, were determined by the Division of Water Resources to be in error. Application should be made to the Division 2 Water Court to correct the decree.

NOTE: The well structure I.D. # is 6706142.

APPROVED
JWB

Dick Wolfe
For State Engineer

John W. Bilicky
By

Receipt No. 3620372 DATE ISSUED 08-22-2007 EXPIRATION DATE 08-22-2008

Receipt No. 3620372 **WELL PERMIT NUMBER 13260 -R R** Page 2

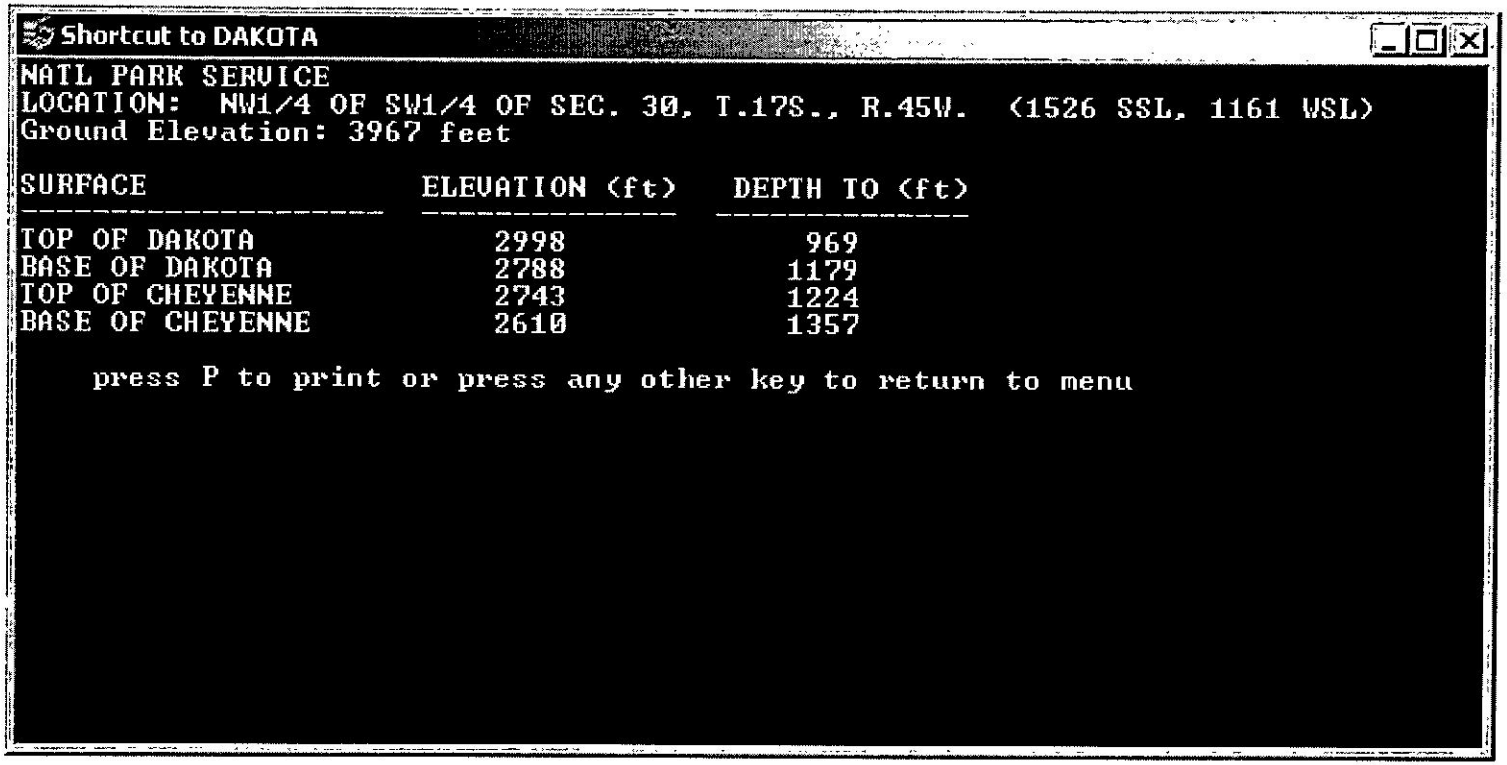
ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: http://www.water.state.co.us/pubs/forms.asp

NOTICE: This permit has been approved subject to the following changes: The well location distances from section lines were determined from UTM coordinate values provided with the permit application, and the range designation was corrected from "46 W" to "45 W". 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.)

JB. 8/22/2007



JB. 8/22/2007

8-22-2007: CDWR Permit to construct well 13260

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

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

LIC

WELL PERMIT NUMBER 13260 -R R
DIV. 2 WD 67 DES. BASIN MD

APPLICANT

NATIONAL PARK SERVICE
SAND CK MASSACRE NATL HIST
PO BOX 249
EADS, CO 81036-

(719) 383-5014

APPROVED WELL LOCATION
KIOWA COUNTY
NW 1/4 SW 1/4 Section 30
Township 17 S Range 45 W Sixth P.M.

DISTANCES FROM SECTION LINES
1526 Ft. from South Section Line
1161 Ft. from West Section Line

UTM COORDINATES (Meters,Zone:13,NAD83)
Easting: 717328 Northing: 4269278

PERMIT TO CONSTRUCT A WELL (AMENDED)

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not 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 37-90-137(2) for the replacement of an existing well, permit no. 13260-R (decreed by the Division 2 Water Court in case no. W-3235, Dawson well no. 1). Upon completion of the new well, the old well must be plugged and abandoned in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report form must be submitted within sixty (60) days of abandonment of the old well.
4) Approved on the condition that this well is operated in accordance with the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, Colorado.
5) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to the irrigation of 20 acres in the SW 1/4 of Section 30, Twp. 17 South, Rng. 45 West, 6th P.M.
6) The pumping rate of this well shall not exceed 300 GPM.
7) The average annual amount of ground water to be appropriated by this well shall not exceed 100 acre-feet .
8) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
9) A metering method must be established for this well pursuant to the Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin.
10) This well shall not be constructed any closer to any other existing well than the well it is replacing, if such other well is within 600 feet of the replacement well, is completed in the same aquifer, and is not owned by the applicant. This well shall be constructed not more than 200 feet from the location specified on this permit.
11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
12) The decreed well location quarter/quarter section designation and referenced permit number in case no. W-3235, Dawson well no. 1, were determined by the Division of Water Resources to be in error. Application should be made to the Division 2 Water Court to correct the decree.

NOTE: The well structure I.D. # is 6706142.

APPROVED
JWB

Dick Wolfe
For State Engineer

John W. Bilicky
By

Receipt No. 3620372 DATE ISSUED 08-22-2007 EXPIRATION DATE 08-22-2008

Receipt No. 3620372 **WELL PERMIT NUMBER 13260 -R R** Page 2

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: http://www.water.state.co.us/pubs/forms.asp

NOTICE: This permit has been approved subject to the following changes: The well location distances from section lines were determined from UTM coordinate values provided with the permit application, and the range designation was corrected from "46 W" to "45 W". 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.)

JB. 8/22/2007

NOTE: Well Construction Variance 2007-153A was approved by the Board of Examiners of Water Well Construction and Pump Installation Contractors on October 30, 2007. MPS

0-30-2007: Letter to State of Colorado from NPS SAND regarding Request for Non-Standard Well Construction

FORM NO. WELL CONSTRUCTION AND TEST REPORT

FORM NO. GWS-31 04/2005	WELL CONSTRUCTION AND TEST REPORT STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 818, Denver, CO 80203 Phone – Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us	For Office Use Only RECEIVED DEC 17 2007 WATER RESOURCES STATE ENGINEER COLO.

1. **WELL PERMIT NUMBER:** 13260 R R

2. **WELL OWNER INFORMATION** National Park Service

NAME OF WELL OWNER: Sand Ck Massacre Nat. Hist

MAILING ADDRESS: PO Box 249

CITY: Eads STATE: Co ZIP CODE: 81036

TELEPHONE NUMBER: (719) 383 - 5014

3. WELL LOCATION AS DRILLED: NW 1/4, SW 1/4, Sec. 30, Twp. 17 ☐ N or ☒ S, Range 45 ☐ E or ☒ W

DISTANCES FROM SEC. LINES: _____ ft. from ☐ N or ☐ S section line and _____ ft. from ☐ E or ☐ W section line.

SUBDIVISION: _____, LOT ____, BLOCK ____, FILING (UNIT) ____

Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, ☐ Zone 12 or ☒ Zone 13

Owner's Well Designation: _____

Easting: 717325

STREET ADDRESS AT WELL LOCATION:

Northing: 4269242

4. GROUND SURFACE ELEVATION _____ feet

DRILLING METHOD Rotary

DATE COMPLETED 11-2-07 TOTAL DEPTH _____ feet DEPTH COMPLETED 30 feet

5. GEOLOGIC LOG:

Depth	Type	Grain Size	Color	Water Loc.
0-2	Sandy clay	fine	grey	
2-29	sand & gravel	med	multi	7'
29-30	Shale		black	

6. HOLE DIAM (in.)

	From (ft)	To (ft)
13"	0	15
11	15	30

7. PLAIN CASING:

OD (in)	Kind	Wall Size (in)	From (ft)	To (ft)
6 5/8	PVC	316	0	10
8"	steel	.250	0	10

PERFORATED CASING: Screen Slot Size (in): .025

6 5/8	PVC	316	10	30

8. FILTER PACK:

Material gravel

Size 1/8

Interval 10-30

9. PACKER PLACEMENT:

Type _____

Depth _____

10. GROUTING RECORD

Material	Amount	Density	Interval	Placement
Neat cement	12 sack	6 gal	0-11	tremie

Remarks: _____

11. DISINFECTION: Type clorox Amt. Used 1 gal

12. WELL TEST DATA: ☐ Check box if Test Data is submitted on Form Number GWS 39 Supplemental Well Test.

TESTING METHOD _____

Static Level 7 ft. Date/Time measured: 11-2-07, Production Rate 100 gpm.

Pumping Level 12 ft. Date/Time measured 11-2-07, Test Length (hrs) 1½ hr

Remarks:

13. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to $5000 and/or revocation of the contracting license.]

Company Name:	Phone:	License Number:
Kemp's Well Service	(719) 767-5722	859

Mailing Address: Box 414 Cheyenne Wells Co 80810

Signature:	Print Name and Title	Date
George Kemp	George Kemp Owner	12-12-07

Form No. GWS-09 6/2006	**STATE OF COLORADO, OFFICE OF THE STATE ENGINEER** 821 Centennial Bldg., 1313 Sherman St., Denver, CO 80203 (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us	For Office Use Only RECEIVED DEC 24 2007 WATER RESOURCES STATE ENGINEER COLO.

WELL ABANDONMENT REPORT

Use to report plugging and sealing of permitted wells, monitoring and other holes. Type or print in black or blue ink. Instructions and plugging standards are on reverse side of form.

Well Permit Number of the well being plugged 13260 R **or**
MH File Number MH- _____ **Hole ID #/Name** _____

Individual/Company responsible for plugging and sealing the well:

NAME(S) Kemps Well Service

Mailing Address Box 414

City, St., Zip Cheyenne Wells Co 80810

Phone (719) 767 5722

Well (Hole) Owner:

NAME(S) National Park Service Phone (719) 383 5014

Mailing Address, City, St., Zip Box 249 Eads Co 81036

ACTUAL WELL LOCATION: County Kiowa

Property Address, City, St, Zip _____

NW 1/4 of the SW 1/4, Sec. 30, Twp. 17 ☐ N. or ☒ S., Range 45 ☐ E. or ☒ W., 6 P.M.

Distance from Section Lines _____ Ft. From ☐ N. or ☐ S., _____ Ft. From ☐ E. or ☐ W. Line.

Subdivision Name _____ Lot _____, Block _____, Filing/Unit _____

Optional: GPS well location information in UTM format. You must check GPS unit for required settings as follows:

Format must be UTM, zone 12 ☐ or zone 13 ☒; Units must be meters; Datum must be NAD83; Unit must be set to true north.

Easting 717331 **Northing** 4269271

I (we) report the existing well (hole) was plugged and sealed on the date of 12-20-07 for the following reason(s):

☒ The well was plugged and sealed as required under Well Permit Number 13260 R-R

☐ The well was not in use and was plugged and sealed.

☐ Other (please explain) _____

The well was plugged with the following materials placed at the indicated intervals:

Amount and Type of Material	Method of Placement	Interval
clean sand	Pour	from 8 feet to 25 feet
Cement	Pour	from 4 feet to 8 feet
		from _____ feet to _____ feet
Intervals of casing removed/ripped in feet		from 0 feet to 5 feet

Report must be signed by person who performed the well plugging work or by the well owner if this person is unknown or not reachable. I (we) have read the statements made herein, know the contents thereof, and that they are true to my (our) knowledge.

Signature(s)	Please print the Signer's Name & Title	Date
George Kemp	George Kemp Owner	12-21-07

It is the responsibility of the well owner to have the well/hole properly plugged and sealed. The Well Construction Contractor is responsible for notifying the owner of this requirement.

FORM NO. GWS-32 02/2005

PUMP INSTALLATION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

1313 Sherman St., Room 818, Denver, CO 80203
Info (303) 866-3587 Main (303) 866-3581
Fax (303) 866-3589 http://www.water.state.co.us

For Office Use Only
RECEIVED
JUL 18 2008
WATER RESOURCES STATE ENGINEER COLO

1. **WELL PERMIT NUMBER:** 13260 RR

2. **WELL OWNER INFORMATION** NAME OF OWNER: National Park Service Sand CK Massacre Natnal Hist.
MAILING ADDRESS: P.O. Box 249
CITY: Eads STATE: Co ZIP CODE: 81036
TELEPHONE #: (719) 383 5014

3. WELL LOCATION AS DRILLED: NW 1/4, SW 1/4 Sec. 30 Twp. 17 ☐ N or ☒ S, Range 45 ☐ E or ☒ W
DISTANCES FROM SEC. LINES: _____ ft. from ☐ N or ☐ S section line and _____ ft. from ☐ E or ☐ W section line.
SUBDIVISION: _____ LOT ____, BLOCK ____, FILING (UNIT) ____
Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, ☐ Zone 12 or ☐ Zone 13 Easting: 717325 Northing: 4269242
STREET ADDRESS AT WELL LOCATION:

4. PUMP DATA: Type: Sub Date Installed: 5-7-08
Pump Manufacturer: Dempster Pump Model No. YB150
Design GPM: 45 at RPM 3450 HP 1½ Volts 230 Full Load Amps 10.0
Pump Intake Depth: 25 Feet, Drop/Column Pipe Size 2 Inches, Kind of Drop Pipe Sch 80 PVC
ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM: Turbine Driver Type: ☐ Electric ☐ Engine ☐ Other _____
Design Head _____ feet Number of Stages _____ Shaft size _____ Inches

5. OTHER EQUIPMENT:
Airline Installed ☐ Yes ☐ No, Orifice Depth ft. _____ Monitor Tube Installed ☐ Yes ☐ No, Depth ft. _____
Flow Meter Mfg. _____ Meter Serial No. _____
Meter Readout: ☐ Gallons, ☐ Thousand Gallons, ☐ Acre feet Beginning Reading

6. TEST DATA: ☐ check box if Test Data is submitted on Supplemental Form.

Total Well Depth:	30 ft.	Date:	5-7-08			
Static Level:	7 ft.	Time:				
Date Measured:	5-7-08	Rate (gpm):	45			
		Pumping Level (ft):	7			

7. DISINFECTION: Type clorox Amt. Used 1 gal
8. Water Quality analysis available: ☐ Yes ☐ No If yes, please submit with this report.
9. Remarks: New Motor supplied by Carrdgan Excavating ser. # not available
10. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to $5000 and/or revocation of the contracting license.]

Company Name:	Phone:	License Number:
Kemp's Well Service	(719) - 767 5722	859

Mailing Address: Box 414 Cheyenne Wells Co

Signature:	Print Name and Title	Date
George Kemp	George Kemp owner	5-13-08

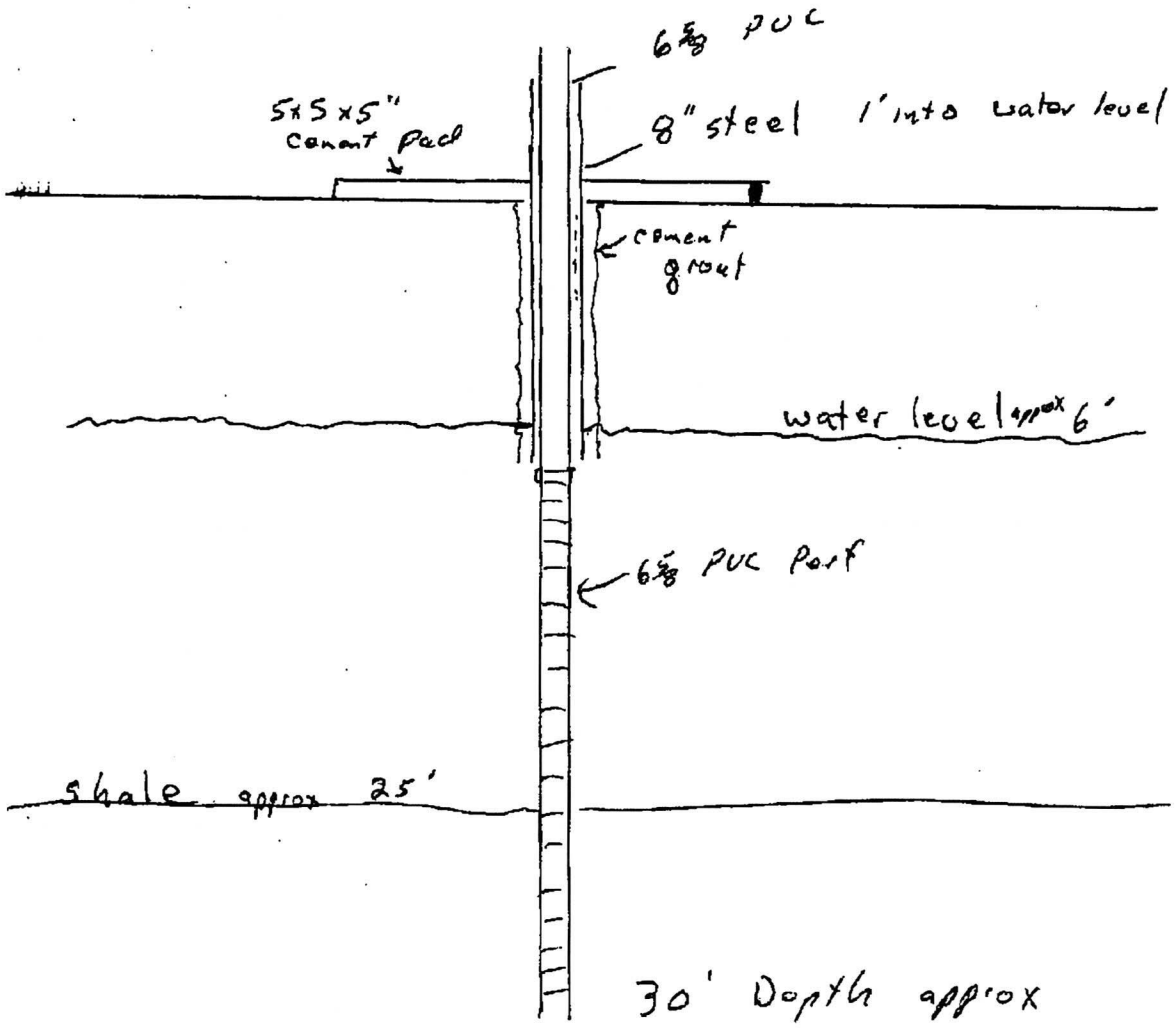
10-30-2007: Sketch of well construction

Proposed casing for Permitt # 13260-R-R

National Park Service

request a variance for less than 20' of steel

Kemp's Well Service
George Kemp



Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

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

LIC

WELL PERMIT NUMBER 13260 -R R
DIV. 2 WD 67 DES. BASIN MD

APPLICANT

NATIONAL PARK SERVICE
SAND CK MASSACRE NATL HIST
PO BOX 249
EADS, CO 81036-

(719) 383-5014

APPROVED WELL LOCATION
KIOWA COUNTY
NW 1/4 SW 1/4 Section 30
Township 17 S Range 45 W Sixth P.M.

DISTANCES FROM SECTION LINES
1526 Ft. from South Section Line
1161 Ft. from West Section Line

UTM COORDINATES (Meters,Zone:13,NAD83)
Easting: 717328 Northing: 4269278

PERMIT TO CONSTRUCT A WELL (AMENDED)

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not 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 37-90-137(2) for the replacement of an existing well, permit no. 13260-R (decreed by the Division 2 Water Court in case no. W-3235, Dawson well no. 1). Upon completion of the new well, the old well must be plugged and abandoned in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report form must be submitted within sixty (60) days of abandonment of the old well.
4) Approved on the condition that this well is operated in accordance with the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, Colorado.
5) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to the irrigation of 20 acres in the SW 1/4 of Section 30, Twp. 17 South, Rng. 45 West, 6th P.M.
6) The pumping rate of this well shall not exceed 300 GPM.
7) The average annual amount of ground water to be appropriated by this well shall not exceed 100 acre-feet .
8) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
9) A metering method must be established for this well pursuant to the Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin.
10) This well shall not be constructed any closer to any other existing well than the well it is replacing, if such other well is within 600 feet of the replacement well, is completed in the same aquifer, and is not owned by the applicant. This well shall be constructed not more than 200 feet from the location specified on this permit.
11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
12) The decreed well location quarter/quarter section designation and referenced permit number in case no. W-3235, Dawson well no. 1, were determined by the Division of Water Resources to be in error. Application should be made to the Division 2 Water Court to correct the decree.

NOTE: The well structure I.D. # is 6706142.

APPROVED
JWB

Dick Wolfe
For State Engineer

John W. Bilicky
By

Receipt No. 3620372 DATE ISSUED 08-22-2007 EXPIRATION DATE 08-22-2008

Receipt No. 3620372 **WELL PERMIT NUMBER 13260 -R R** Page 2

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: http://www.water.state.co.us/pubs/forms.asp

NOTICE: This permit has been approved subject to the following changes: The well location distances from section lines were determined from UTM coordinate values provided with the permit application, and the range designation was corrected from "46 W" to "45 W". 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.)

JWB. 8/22/2007

NOTE: Well Construction Variance 2007-153A was approved by the Board of Examiners of Water Well Construction and Pump Installation Contractors on October 30, 2007. MPS

FORM NO. | WELL CONSTRUCTION AND TEST REPORT

FORM NO. GWS-31 04/2005

WELL CONSTRUCTION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
1313 Sherman St., Room 818, Denver, CO 80203
Phone – Info (303) 866-3587 Main (303) 866-3581
Fax (303) 866-3589 http://www.water.state.co.us

For Office Use Only

RECEIVED

DEC 17 2007

WATER RESOURCES STATE ENGINEER COLO.

1. **WELL PERMIT NUMBER:** 13260 R R

2. **WELL OWNER INFORMATION** National Park Service
NAME OF WELL OWNER: Sand Ck Massacre Nat. Hist
MAILING ADDRESS: PO Box 249
CITY: Eads STATE: Co ZIP CODE: 81036
TELEPHONE NUMBER: (719) 383-5014

3. WELL LOCATION AS DRILLED: NW 1/4, SW 1/4, Sec. 30, Twp. 17 ☐ N or ☒ S, Range 45 ☐ E or ☒ W
DISTANCES FROM SEC. LINES: _____ ft. from ☐ N or ☐ S section line and _____ ft. from ☐ E or ☐ W section line.
SUBDIVISION: _____, LOT ____, BLOCK ____, FILING (UNIT) ____
Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, ☐ Zone 12 or ☒ Zone 13
Owner's Well Designation: _____
Easting: 717325
STREET ADDRESS AT WELL LOCATION:
Northing: 4269242

4. GROUND SURFACE ELEVATION _____ feet DRILLING METHOD Rotary
DATE COMPLETED 11-2-07 TOTAL DEPTH feet DEPTH COMPLETED 30 feet

5. GEOLOGIC LOG:

Depth	Type	Grain Size	Color	Water Loc.
0-2	Sandy clay	~~fine~~	grey	
2-29	sand & gravel	med	multi	7'
29-30	Shale		black	

6. HOLE DIAM (in.)

	From (ft)	To (ft)
13"	0	15
11	15	30

7. PLAIN CASING:

OD (in)	Kind	Wall Size (in)	From (ft)	To (ft)
6⅝	PVC	316	0	10
8"	steel	.250	0	10

PERFORATED CASING: Screen Slot Size (in): .025

6⅝	PVC	316	10	30

8. FILTER PACK:
Material gravel
Size ⅜
Interval 10-30

9. PACKER PLACEMENT:
Type _____
Depth _____

10. GROUTING RECORD

Material	Amount	Density	Interval	Placement
Neat cement	12 sack	6 gal	0-11	tremie

Remarks: _____

11. DISINFECTION: Type clorox Amt. Used 1 gal

12. WELL TEST DATA: ☐ Check box if Test Data is submitted on Form Number GWS 39 Supplemental Well Test.
TESTING METHOD _____
Static Level 7 ft. Date/Time measured: 11-2-07, Production Rate 100 gpm.
Pumping Level 12 ft. Date/Time measured 11-2-07, Test Length (hrs) 1½
Remarks:

13. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to $5000 and/or revocation of the contracting license.]

Company Name:	Phone:	License Number:
Kemp's Well Service	(719) 767-5722	859

Mailing Address: Box 414 Cheyenne Wells Co 80810

Signature:	Print Name and Title	Date
George Kemp	George Kemp Owner	12-12-07

Form No. GWS-09 6/2006	**STATE OF COLORADO, OFFICE OF THE STATE ENGINEER** 821 Centennial Bldg., 1313 Sherman St., Denver, CO 80203 (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us	For Office Use Only RECEIVED DEC 24 2007 WATER RESOURCES STATE ENGINEER COLO.

WELL ABANDONMENT REPORT

Use to report plugging and sealing of permitted wells, monitoring and other holes. Type or print in black or blue ink. Instructions and plugging standards are on reverse side of form.

Well Permit Number of the well being plugged 13260 R **or**
MH File Number MH- _____ **Hole ID #/Name** _____

Individual/Company responsible for plugging and sealing the well:

NAME(S) Kemps Well Service

Mailing Address Box 414

City, St., Zip Cheyenne Wells Co 80810

Phone (719) 767 5722

Well (Hole) Owner:

NAME(S) National Park Service Phone (719) 383 5014

Mailing Address, City, St., Zip Box 249 Eads Co 81036

ACTUAL WELL LOCATION: County Kiowa

Property Address, City, St, Zip _____

NW 1/4 of the SW 1/4, Sec. 30, Twp. 17 ☐ N. or ☒ S., Range 45 ☐ E. or ☒ W., 6 P.M.

Distance from Section Lines _____ Ft. From ☐ N. or ☐ S., _____ Ft. From ☐ E. or ☐ W. Line.

Subdivision Name _____ Lot _____, Block _____, Filing/Unit _____

Optional: GPS well location information in UTM format. You must check GPS unit for required settings as follows:

Format must be UTM, zone 12 ☐ or zone 13 ☒; Units must be meters; Datum must be NAD83; Unit must be set to true north.

Easting 717331 **Northing** 4269271

I (we) report the existing well (hole) was plugged and sealed on the date of 12-20-07 for the following reason(s):

☒ The well was plugged and sealed as required under Well Permit Number 13260 R-R

☐ The well was not in use and was plugged and sealed.

☐ Other (please explain) _____

The well was plugged with the following materials placed at the indicated intervals:

Amount and Type of Material	Method of Placement	Interval
clean sand	Pour	from 8 feet to 25 feet
Cement	Pour	from 4 feet to 8 feet
		from _____ feet to _____ feet
Intervals of casing removed/ripped in feet		from 0 feet to 5 feet

Report must be signed by person who performed the well plugging work or by the well owner if this person is unknown or not reachable. I (we) have read the statements made herein, know the contents thereof, and that they are true to my (our) knowledge.

Signature(s)	Please print the Signer's Name & Title	Date
George Kemp	George Kemp Owner	12-21-07

It is the responsibility of the well owner to have the well/hole properly plugged and sealed. The Well Construction Contractor is responsible for notifying the owner of this requirement.

FORM NO. GWS-32 02/2005

PUMP INSTALLATION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

1313 Sherman St., Room 818, Denver, CO 80203
Info (303) 866-3587 Main (303) 866-3581
Fax (303) 866-3589 http://www.water.state.co.us

For Office Use Only
RECEIVED
JUL 18 2008
WATER RESOURCES STATE ENGINEER COLO

1. **WELL PERMIT NUMBER:** 13260 RR

2. **WELL OWNER INFORMATION** National Parks Service
NAME OF OWNER Sand CK Massacre National Hist.
MAILING ADDRESS P.O. Box 249
CITY Eads | STATE Co | ZIP CODE 81036
TELEPHONE # (719) 383 5014

3. WELL LOCATION AS DRILLED: NW 1/4, SW 1/4 Sec. 30, Twp. 17 ☐ N or ☒ S, Range 45 ☐ E or ☒ W
DISTANCES FROM SEC. LINES: _____ ft. from ☐ N or ☐ S section line and _____ ft. from ☐ E or ☐ W section line.
SUBDIVISION: _____ LOT ____, BLOCK ____, FILING (UNIT) ____
Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, ☐ Zone 12 or ☐ Zone 13
Easting: 717325
Northing: 4269242
STREET ADDRESS AT WELL LOCATION:

4. PUMP DATA: Type: Sub Date Installed: 5-7-08
Pump Manufacturer: Dempster Pump Model No. YB150
Design GPM: 45 at RPM 3450 HP 1½ Volts 230 Full Load Amps 10.0
Pump Intake Depth: 25 Feet, Drop/Column Pipe Size 2 Inches, Kind of Drop Pipe Sch 80 PVC
ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM: Turbine Driver Type: ☐ Electric ☐ Engine ☐ Other _____
Design Head feet Number of Stages Shaft size Inches

5. OTHER EQUIPMENT:
Airline Installed ☐ Yes ☐ No, Orifice Depth ft. _____ Monitor Tube Installed ☐ Yes ☐ No, Depth ft. _____
Flow Meter Mfg. _____ Meter Serial No. _____
Meter Readout: ☐ Gallons, ☐ Thousand Gallons, ☐ Acre feet Beginning Reading

6. TEST DATA: ☐ check box if Test Data is submitted on Supplemental Form.

		Date:	5-7-08			
Total Well Depth:	30 ft.	Time:				
Static Level:	7 ft.	Rate (gpm):	45			
Date Measured:	5-7-08	Pumping Level (ft):	7			

7. DISINFECTION: Type chorox Amt. Used 1 gal

8. Water Quality analysis available: ☐ Yes ☐ No If yes, please submit with this report.

9. Remarks: New Motor supplied by Carrigan Excavating ser. # not available

10. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to $5000 and/or revocation of the contracting license.]

Company Name:	Phone:	License Number:
Kemp's Well Service	(719) 767 5722	859

Mailing Address: Box 414 Cheyenne Wells Co

Signature:	Print Name and Title	Date
George Kemp	George Kemp owner	5-13-08

Transferred from certificate # 731

NUMBER 747

SHARES 1

LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION

BOX 1161
LAMAR, COLORADO 81052

This Certifies that National Park Service is the registered holder of One********** Shares

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this Seventtth day of August A.D. 15

©GOES 720
All Rights Reserved

08-07-2015: LAWMA Share Certificate

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO 501 North Elizabeth Street Pueblo, Colorado 81003	DATE FILED: January 30, 2017 1:26 PM FILING ID: 1546BA8BEED01 CASE NUMBER: 2017CW3001
CONCERNING THE APPLICATION FOR WATER RIGHTS OF LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION IN KIOWA COUNTY	▲ **COURT USE ONLY** ▲
Richard J. Mehren, #32231 Jennifer M. DiLalla, #40319 William D. Davidson, #49099 Moses, Wittemyer, Harrison and Woodruff, P.C. 2595 Canyon Blvd., Suite 300 Boulder, Colorado 80302 Telephone: (303) 443-8782 Facsimile: (303) 443-8796 rmehren@mwhw.com; jdilalla@mwhw.com; wdavidson@mwhw.com	Case Number: 17CW____

APPLICATION FOR PLAN FOR AUGMENTATION

1. Name, address and telephone number of Applicant:

   Lower Arkansas Water Management Association ("LAWMA")
   c/o Donald F. Higbee, Manager
   310 South 6th Street
   P. O. Box 1161
   Lamar, Colorado 81052
   (719) 336-9696

2. Purpose of application: LAWMA is a non-profit corporation organized for the purpose of, among other things, providing a means for its members to continue to make ground water diversions from wells and other structures with junior priorities and to continue to make surface water diversions from structures with junior priorities in the Arkansas River water rights regime. The purpose of this application is to include additional structures in LAWMA's plan for augmentation ("Augmentation Plan"), which was decreed on March 8, 2007 in Case No. 02CW181, Water Division No. 2 ("02CW181 Decree"). Pursuant to paragraph 43 of the 02CW181 Decree, LAWMA may add wells or other structures to the Augmentation Plan by filing a new application with the Water Court.

3. Description of structures to be augmented: The structures described in **Exhibit A** ("Additional LAWMA Structures"). A map showing the location of the Additional LAWMA Structures is attached as **Exhibit B**. A total of three additional structures will be included in LAWMA's Augmentation Plan through this application.

4. Water rights and other sources of water to be used for augmentation: Those water rights and other sources of water identified in paragraph 40 of the 02CW181 Decree and in the decrees entered in Case Nos. 05CW52 and 10CW85, and those water rights and other sources of water that are added as sources of augmentation water to the 02CW181 Decree pursuant to the terms and conditions of paragraph 41 of the 02CW181 Decree. None of the Additional LAWMA Structures is located within the boundaries of the Southeastern Colorado Water Conservancy District; therefore, the Additional LAWMA Structures are not eligible to receive Fryingpan-Arkansas Project water, including return flows, as an augmentation source.

5. Statement of plan for augmentation: The amount, timing and location of depletions from the Additional LAWMA Structures will be determined in accordance with the methodologies approved in the 02CW181 Decree. Under the Augmentation Plan, LAWMA shall account for and fully replace all out-of-priority stream depletions caused by the Additional LAWMA Structures with fully-consumable water in accordance with the terms and conditions of the 02CW181 Decree and the decree to be entered in this case, in a manner that protects Colorado senior surface water rights from injury and assures compliance with the Arkansas River Compact. This application does not seek to change any provision of the 02CW181 Decree other than the inclusion of the Additional LAWMA Structures, does not seek a change of water right for any of the water rights identified in paragraph 40 of the 02CW181 Decree, and does not seek any change to those augmented structures or replacement water sources previously decreed to be included in the Augmentation Plan. Instead, this application seeks (i) the Court's approval of LAWMA's inclusion of the structures described in **Exhibit A** in the Augmentation Plan in accordance with the terms and conditions of the 02CW181 Decree; and (ii) accordingly, the Court's confirmation that LAWMA will fully replace under the Augmentation Plan, so as to prevent injury to Colorado senior surface water rights and assure compliance with the Arkansas River Compact, all out-of-priority depletions caused by the Additional LAWMA Structures.

WHEREFORE, LAWMA respectfully requests that this Court enter a decree approving this plan for augmentation and determining that such plan for augmentation will not cause injury to the vested or decreed conditional water rights of others and will not violate the Arkansas River Compact.

Respectfully submitted this **30th** day of January, 2017.

MOSES, WITTEMYER, HARRISON AND WOODRUFF, P.C.

Richard J. Mehren, #32231
Jennifer M. DiLalla, #40319
William D. Davidson, #49099

ATTORNEYS FOR APPLICANT, LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION

E-FILED PURSUANT TO C.R.C.P. 121. Duly signed original on file at the law offices of Moses, Wittemyer, Harrison and Woodruff, P.C.

VERIFICATION AND ACKNOWLEDGMENT OF APPLICANT OR OTHER PERSON HAVING KNOWLEDGE OF THE FACTS STATED IN THIS APPLICATION FOR PLAN FOR AUGMENTATION

Being first duly sworn, I hereby state that I have read this Application, that I have personal knowledge of the facts stated and verify its contents to the best of my knowledge, information, and belief.

Donald F. Higbee

Date: 1-18-17

The foregoing instrument was acknowledged before me in the County of Prowers, State of Colorado, this ___ day of January, 2017, by the person whose signature appears above.

ANGELA HIGBEE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074046492
MY COMMISSION EXPIRES DECEMBER 20, 2019

Angela Higbee, Notary Public

My Commission Expires: 12-20-2019

The person signing this verification is the Manager of Lower Arkansas Water Management Association.

Exhibit A
Case No. 17CW____
LAWMA Structures

Name	SEO ID No.	Permit No.	Case No.	Q40	Q160	Sec	Ts	Rng	Distance NS	Distance EW	County	SECWCD	Source
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Greg Spitzer	6706101	18943 F	14CW3059	NW	SW	6	18S	46W	2500 S	850 W	Kiowa	No	Rush Creek Tributary
National Park Service	6706142	13260 RR	W3235	NW	SW	30	17S	45W	1526 S	1161 W	Kiowa	No	Big Sandy Creek Tributary
Greg Spitzer	6706154	18944 F	14CW3059	SE	SE	36	17S	47W	120 S	400 E	Kiowa	No	Rush Creek Tributary

LAWMA Structures - GPS Location

Name	SEO ID No.	Permit No.	UTM X	UTM Y	Elevation	Datum
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Greg Spitzer	6706101	18943 F	707681	4266177	3991	NAD83
National Park Service	6706142	13260 RR	717325	4269243	3969	NAD83
Greg Spitzer	6706154	18944 F	707279	4267012	4001	NAD83

Exhibit A
Case No. 17CW____
LAWMA Structures

Name	SEO ID No.	Permit No.	Case No.	Q40	Q160	Sec	Ts	Rng	Distance NS	Distance EW	County	SECWCD	Source
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Greg Spitzer	6706101	18943 F	14CW3059	NW	SW	6	18S	46W	2500 S	850 W	Kiowa	No	Rush Creek Tributary
National Park Service	6706142	13260 RR	W3235	NW	SW	30	17S	45W	1526 S	1161 W	Kiowa	No	Big Sandy Creek Tributary
Greg Spitzer	6706154	18944 F	14CW3059	SE	SE	36	17S	47W	120 S	400 E	Kiowa	No	Rush Creek Tributary

LAWMA Structures - GPS Location

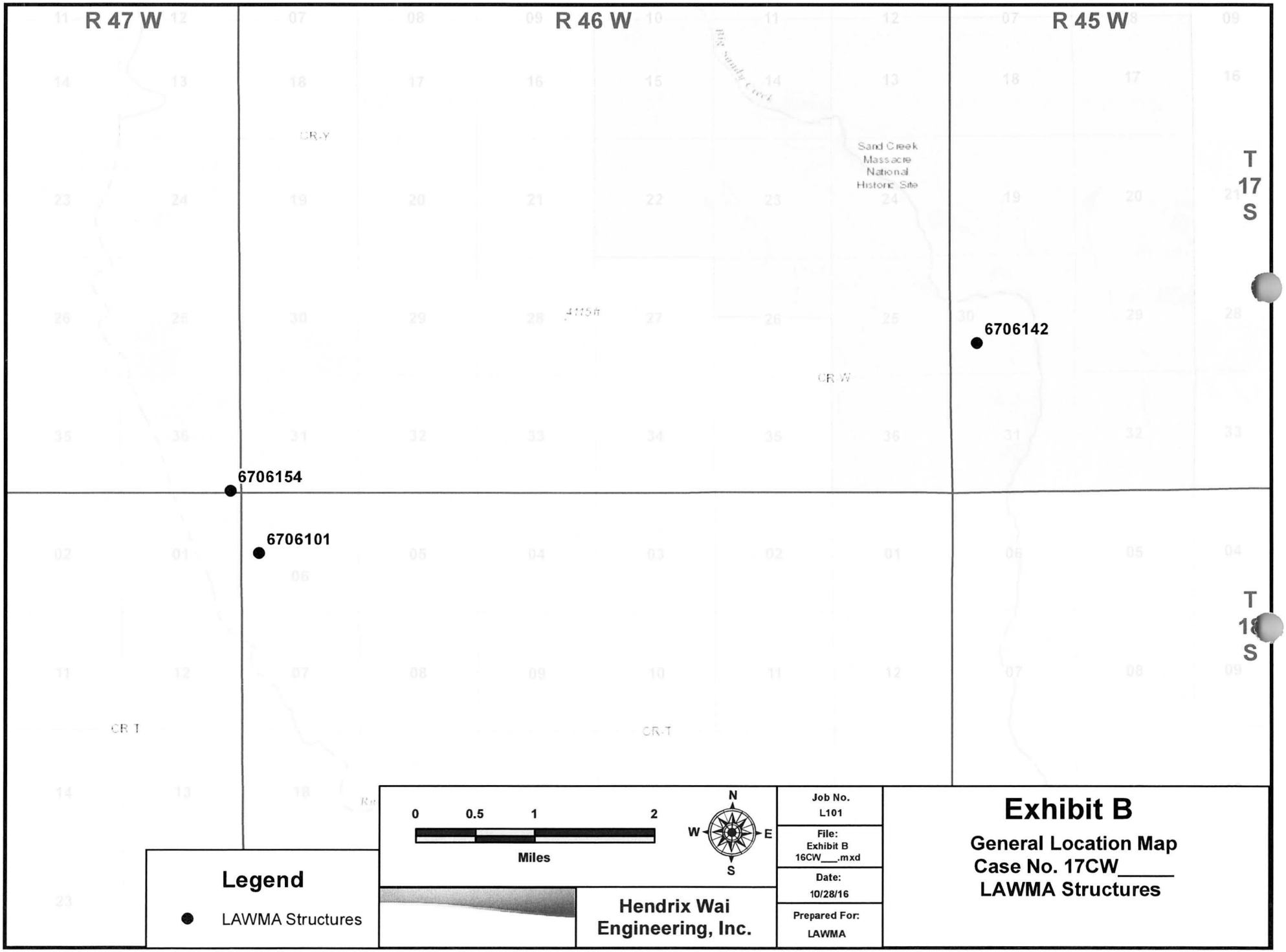
Name	SEO ID No.	Permit No.	UTM X	UTM Y	Elevation	Datum
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Greg Spitzer	6706101	18943 F	707681	4266177	3991	NAD83
National Park Service	6706142	13260 RR	717325	4269243	3969	NAD83
Greg Spitzer	6706154	18944 F	707279	4267012	4001	NAD83

Exhibit A
Case No. 17CW____
LAWMA Structures

Name	SEO ID No.	Permit No.	Case No.	Q40	Q160	Sec	Ts	Rng	Distance NS	Distance EW	County	SECWCD	Source
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Greg Spitzer	6706101	18943 F	14CW3059	NW	SW	6	18S	46W	2500 S	850 W	Kiowa	No	Rush Creek Tributary
National Park Service	6706142	13260 RR	W3235	NW	SW	30	17S	45W	1526 S	1161 W	Kiowa	No	Big Sandy Creek Tributary
Greg Spitzer	6706154	18944 F	14CW3059	SE	SE	36	17S	47W	120 S	400 E	Kiowa	No	Rush Creek Tributary

LAWMA Structures - GPS Location

Name	SEO ID No.	Permit No.	UTM X	UTM Y	Elevation	Datum
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Greg Spitzer	6706101	18943 F	707681	4266177	3991	NAD83
National Park Service	6706142	13260 RR	717325	4269243	3969	NAD83
Greg Spitzer	6706154	18944 F	707279	4267012	4001	NAD83



01-30-2017: Application (pg6): Plan for Augmentation: vs. ; 2017CW3001

CYNTHIA H. COFFMAN
Attorney General

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MELANIE J. SNYDER
Chief of Staff

FREDERICK R. YARGER
Solicitor General

STATE OF COLORADO
DEPARTMENT OF LAW

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1300 Broadway, 7th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Natural Resources and Environment Section

June 14, 2017

Richard Mehren, Esq.
Jennifer DiLalla, Esq.
William Davidson, Esq.
Moses, Wittemyer, Harrison and Woodruff, P.C.
2595 Canyon Boulevard, Suite 300
Boulder, Colorado 80302

RE: In the Matter of the Application for Water Rights of the Lower Arkansas Water Management Association, Case No. 17CW3001, District Court, Water Division 2

Dear Mr. Mehren, Ms. DiLalla, and Mr. Davidson:

The State and Division Engineers (collectively "Engineers") have reviewed the Lower Arkansas Water Management Association's ("LAWMA") Proposed Ruling of the Referee dated May 30, 2017, and the preliminary engineering. The Engineers have the following comments, questions, and concerns:

Regarding the George Spitzer Wells (Permit Nos. 18943-F, 77412-F WDID 6706101 and Permit Nos. 18944-F, 77413-F; WDID 6706154):

1. The decree appears to contain similar terms and conditions to those used in the Rush Creek Land & Cattle Substitute Water Supply Plan (SWSP ID 5502) approved through September of 2017. See suggested language in Paragraph 10.1.1 of the attached redlined decree for further consistency.

2. Please explain how LAWMA will keep track of in-priority versus out-of-priority operations in order to delineate when diversions under the Sweitzer Ditch are taken in-priority versus out-of-priority diversions for which LAWMA must make replacements.

3. The preliminary engineering states that flowmeters have been installed on the George Spitzer wells for irrigation use. However, each well appears to have expired meter tests. New tests must be performed to ensure each meter is functioning correctly.

4. The Engineers understand that separate flowmeters will be installed in each well for oil and gas use. What is the status of this installation? These meters will need to be installed prior to use for oil and gas purposes and the Engineers must be given notice prior to this use for each well. Also, LAWMA must maintain separate accounting for these purposes.

Regarding the National Park Service Well (Permit No. 13260-RR; WDID 6706142):

5. This well is currently covered by LAWMA's Rule 14 Plan for irrigation of up to 20 acres. It is understood from the engineering report that the NPS is seeking to pump the well for additional non-exempt commercial uses. Once the well begins pumping for these uses, NPS will cease irrigating the 20 acres of native grass. This is not clearly described in the decree. Please clarify.

6. The Engineers also request that LAWMA clarify how the National Park Service's well uses will be accounted for if split between two plans or for different depletion factors between uses.

7. According to the preliminary engineering, the National Park Service seeks to pump the well for uses beyond those which it is currently permitted and once a decree is entered in this case the National Park Service will seek a permit for those new uses. A term and condition requiring this action by the National Park Service should be added to the proposed decree.

8. The National Park Service Well was decreed in Case No. W-3235 for irrigation. According to the preliminary engineering, once the National Park Service begins pumping the well for non-exempt commercial uses under LAWMA's Augmentation Plan the National Park Service will cease irrigating. Will the National Park Service be abandoning this water right?

Additional comments may be generated upon further review. We would appreciate receiving a written response to each of these comments or requests. In the alternative, please let us know if you would like to schedule a meeting or teleconference to try to resolve these outstanding items. Thank you!

Sincerely,

FOR THE ATTORNEY GENERAL

CHRISTOPHER R. STORK, #47555*
Assistant Attorney General
JEFFREY N. CANDRIAN, #43839*
Assistant Attorney General
Water Resources Unit
Natural Resources and Environment Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway Avenue, 7th Floor
Denver, CO 80203
Phone: (720) 508-6311 (Stork); (720) 508-6288 (Candrian)
Email: christopher.stork@coag.gov; jeff.candrian@coag.gov

cc: Rachel Zancanella, Division Engineer's Office, Water Division 2
Bill Tyner, Division Engineer's Office, Water Division 2

Gerber, Gwen <gwen_gerber@nps.gov>

Re: 17CW3001 - NPS Sand Creek Site well (LAWMA)

Randy Hendrix <randy@hendrix-wai.com> Mon, Aug 14, 2017 at 2:00 PM
To: "Gerber, Gwen" <gwen_gerber@nps.gov>
Cc: "William D. Davidson" <WDavidson@mwhw.com>, Eric Lord <eric_lord@nps.gov>

Gwen,

Since this case did not go before a referee there was no summary of consultation in this case. The SEO and DEO were the only objectors in the case as as the case proceeds part of the process involves comments to my preliminary engineering report. The questions outlined by the Engineers are their comments in which we need to respond. If their concerns are addressed in can lead to a quick settlement and no trial.

I am attaching their comments. You only need to address those comments for the NPS well.

On 8/14/2017 1:48 PM, Gerber, Gwen wrote:

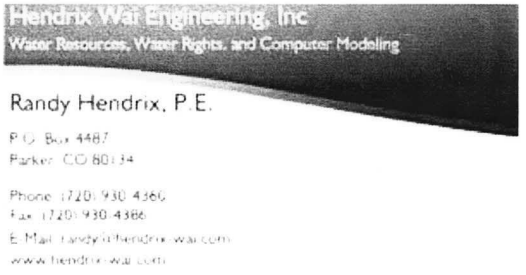
> Randy -
>
> I am assuming these questions came from the summary of consultation? Can you forward this to us for our records? We are drafting responses to your below questions and will get back to you before tomorrow close of business.
>
> Thanks,
> Gwen
>
> Gwen Gerber, Hydrologist
> National Park Service, Water Resources Division
> 1201 Oakridge Drive, Suite 250
> Fort Collins, CO 80525
> (970)-267-2144 (work) - Mon, Wed, Fri
> (970)-420-5314 (cell) - Tues, Thurs
> gwen_gerber@nps.gov
>
> On Mon, Aug 14, 2017 at 10:03 AM, Randy Hendrix <randy@hendrix-wai.com> wrote:
>
> > Gwen,
> >
> > LAWMA's attorneys have received some questions regarding the NPS' well at the Sand Cree site that I think would be best if they were answered by you. I have copied their questions for you to answer below. The questions 1 to 4 were for different wells.
> >
> > Regarding the National Park Service Well (Permit No. 13260-RR; WDID 6706142):
> > 5. This well is currently covered by LAWMA's Rule 14 Plan for irrigation of up to 20 acres. It is understood from the engineering report that the NPS is seeking to pump the well for additional non-exempt commercial uses. Once the well begins pumping for these uses, NPS will cease irrigating the 20 acres of native grass. This is not clearly described in the decree. Please clarify.
> > 6. The Engineers also request that LAWMA clarify how the National Park Service's well uses will be accounted for if split between two plans or for different depletion factors between uses.
> > 7. According to the preliminary engineering, the National Park Service seeks to pump the well for uses beyond those which it is currently permitted and once a decree is entered in this case the National Park Service will seek a permit for those new uses. A term and condition requiring this action by the National Park Service should be added to the proposed decree.
> > 8. The National Park Service Well was decreed in Case No. W-3235 for irrigation. According to the preliminary engineering, once the National Park Service begins pumping the well for non-exempt commercial uses under LAWMA's Augmentation Plan

the National Park Service will cease irrigating. Will the National Park Service be abandoning this water right?

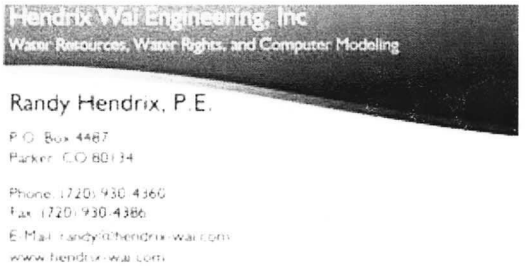
If could please answer this questions for the DEO then I can see a quicker resolution resulting in getting the NPS well into LAWMA's augmentation plan.

Thanks

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2017-7-14 Letter to Counsel re Comments 15CW3001.pdf
111K

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO 501 North Elizabeth Street, Suite 116 Pueblo, Colorado 81003	DATE FILED: December 21, 2017 3:30 PM CASE NUMBER: 2017CW3001
CONCERNING THE APPLICATION FOR WATER RIGHTS OF LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION IN KIOWA COUNTY	▲ **COURT USE ONLY** ▲ Case Number: 17CW3001

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE OF THE WATER COURT

This matter has come before the Water Court on the application of the Lower Arkansas Water Management Association ("LAWMA") for a plan for augmentation. The Court, having considered the pleadings and the evidence presented, hereby enters the following Findings of Fact, Conclusions of Law, and Decree:

FINDINGS OF FACT

1. Applicant: The applicant is the Lower Arkansas Water Management Association, c/o Donald F. Higbee, Manager, 310 South Sixth Street, P. O. Box 1161, Lamar, Colorado 81052, (719) 336-9696.

2. The Application: The application in this case was filed on January 30, 2017.

3. Notice and jurisdiction: Timely and adequate notice of the Application was given in the manner prescribed by law. This Court has jurisdiction over the subject matter of this proceeding and over all persons and property affected hereby, whether or not those persons have appeared. The water involved in this case is not within the boundaries of a designated groundwater basin. LAWMA has complied with the terms of C.R.S. § 37-92-302.

4. Statement of opposition: A timely statement of opposition was filed by the State Engineer and the Division Engineer, Water Division No. 2 ("Engineers"). The time for filing statements of opposition has expired.

5. Stipulation: LAWMA entered into a stipulation with the Engineers on December 13, 2017. The stipulation is hereby approved and incorporated into this Decree by this reference.

6. Summary of Consultation: The Division Engineer did not issue a Summary of Consultation in this matter because this case was not referred to the Water Referee.

7. Description of Application: LAWMA is a non-profit corporation organized for the purpose of, among other things, providing a means for its members to continue to make groundwater diversions from wells and other structures with junior priorities and to continue to make surface water diversions from structures with junior priorities in the Arkansas River water rights regime. The Application sought to include three additional structures in LAWMA's plan for augmentation, which was decreed on March 8, 2007, in Case No. 02CW181, Water Division No. 2 ("02CW181 Decree"). Pursuant to paragraph 43 of the 02CW181 Decree, LAWMA may include additional wells or structures in the plan for augmentation by filing a new application with the Water Court.

8. Description of structures to be augmented: Each of the structures described in **Exhibit A** (the "Additional LAWMA Structures"). A total of three structures will be added to LAWMA's plan for augmentation by this Decree. The Additional LAWMA Structures (SEO ID No. 6706101, SEO ID No. 6706142, and SEO ID No. 6706154) are located within Kiowa County, Colorado, as shown in **Exhibit B**.

8.1 The UTM coordinates and PLSS locations for the Additional LAWMA Structures are as follows:

8.1.1 Spitzer Well (SEO ID No. 6706101) ("Spitzer Well No. 6706101"): UTM Easting, 707681; UTM Northing, 4266177; Elevation 3991; Datum NAD 83, Zone 13. PLSS location: NW 1/4 of the SW 1/4, Section 6 Township 18 S, Range 46 W of the 6th PM, as shown on **Exhibit A**. Depletions attributable to pumping of Spitzer Well No. 6706101 impact Rush Creek, tributary to the Arkansas River.

8.1.2 Spitzer Well (SEO ID No. 6706154) ("Spitzer Well No. 6706154"): UTM Easting, 707279; UTM Northing, 4267012; Elevation 4001; Datum NAD 83, Zone 13. PLSS location: SE 1/4 of the SE 1/4, Section 36, Township 17 S, Range 47 W of the 6th PM, as shown on **Exhibit A**. Depletions attributable to pumping of Spitzer Well No. 6706101 impact Rush Creek, tributary to the Arkansas River.

8.1.3 Dawson Well No. 1 ("Dawson Well") (SEO ID No. 6706142): UTM Easting, 717325; UTM Northing, 4269243; Elevation 3969; Datum NAD 83, Zone 13. PLSS location: NW 1/4 of the SW 1/4, Section 30,

Township 17 S, Range 45 W of the 6th PM, as shown on **Exhibit A**. Depletions attributable to pumping of the Dawson Well impact Big Sandy Creek, tributary to the Arkansas River.

8.2 Spitzer Wells' water rights: The decree entered on March 8, 1974, in Case No. W-4028, Water Division 2, approved a conditional change of water right allowing the Spitzer Wells to be used as an alternate point of diversion for 4.44 c.f.s. and 500 acre-feet per year of the water right decreed to the Sweitzer Ditch ("Sweitzer Ditch APOD Water Rights"). The Sweitzer Ditch was decreed for irrigation use in the General Adjudication for Water District 67 on October 14, 1918, with an appropriation date of May 1, 1905, and a priority number of 1918-12. Subsequent decrees and orders affecting the Spitzer Wells are described in paragraphs 8.2.1 through 8.2.4 below.

8.2.1 Case No. W-4028-(78): The decree entered on August 16, 1979, in Case No. W-4028-(78), Water Division 2, made the Sweitzer Ditch APOD Water Rights absolute in the following rates and amounts:

8.2.1.1 Spitzer Well No. 6706101: 215 acre-feet per calendar year at a maximum rate of 2.22 c.f.s. or 1,000 g.p.m., with 35 acre-feet per year remaining conditional.

8.2.1.2 Spitzer Well No. 6706154: 220 acre-feet per calendar year at a maximum rate of 2.22 c.f.s. or 1,000 g.p.m., with 30 acre-feet per year remaining conditional.

8.2.1 Case No. 82CW11: The decree entered on October 22, 1982, *nunc pro tunc* September 16, 1982, Water Division 2, continued the remaining conditional portions of the Sweitzer Ditch APOD Water Rights in full force and effect.

8.2.2 Order of Cancellation: By order entered March 4, 1986, in Case Nos. W-4028, W-4028-(78), and 82CW11, the Division 2 Water Court cancelled the remaining conditional portions of the Sweitzer Ditch APOD Water Rights.

8.2.3 Case No. 14CW3059: The decree entered on April 28, 2016, in Case No. 14CW3059, Water Division 2 ("14CW3059 Decree"), required the owners or operators of the Spitzer Wells to request to include the wells in LAWMA's plan for augmentation. The 14CW3059 Decree also (1) corrected the location of the land irrigated by the Spitzer Wells, which consists of 271 acres as described in **Exhibit C**; (2) limited combined pumping from the Spitzer Wells for irrigation to 435 acre-feet per year

under the Sweitzer Ditch APOD Water Rights and any administrative replacement or augmentation approvals; and (3) confirmed that the Spitzer Wells may be interconnected such that both wells may be pumped together, at a combined rate not to exceed 1,000 g.p.m., to provide water to any portion of the irrigated land.

9. Water rights and other sources of water to be used for augmentation of the Additional LAWMA Structures: Those water rights and other sources of water identified in paragraph 40 of the 02CW181 Decree and in the decrees entered in Case Nos. 05CW52 and 10CW85, and those water rights and other sources of water that are added as sources of augmentation water to the 02CW181 Decree pursuant to the terms and conditions of paragraph 41 of the 02CW181 Decree and the terms and conditions in the following sub-paragraphs ("Additional Augmentation Water").

9.1 In accordance with paragraph 41.A of the 02CW181 Decree, LAWMA may use Additional Augmentation Water permanently for augmentation of the Additional LAWMA Structures by filing an application with the Court to add the water right as a source of replacement water to LAWMA's plan for augmentation and obtaining a decree from the Court. LAWMA shall provide notice of any such application in the manner provided by statute for a new Water Court application.

9.2 In accordance with paragraph 41.B of the 02CW181 Decree, LAWMA may use Additional Augmentation Water on a temporary basis for augmentation of the Additional LAWMA Structures by serving written notice on the objectors in Case No. 02CW181 and on the Arkansas River Compact Administration ("ARCA") of LAWMA's request for approval of the State Engineer pursuant to § 37-92-308, C.R.S. At the time of LAWMA's service of written notice of such request upon the objectors in Case No. 02CW181 and the ARCA, LAWMA also shall serve such notice on the objectors in this case. LAWMA may use the noticed water right(s) for augmentation of the Additional LAWMA Structures only after the State Engineer's approval of LAWMA's request for substitute water supply plan ("SWSP") has become final, including any appeal. Such use must comply with the terms and conditions of the final approval. In no event will LAWMA be allowed to use the same portion of a water right or shares for temporary augmentation use for augmentation of the Additional LAWMA Structures for more than the period allowed by § 37-92-308, C.R.S.

10. Statement of plan for augmentation:

10.1 Spitzer Wells: Under Well Permit Nos. 18943-F and 18944-F, the Spitzer Wells are permitted to pump water for irrigation pursuant to the Sweitzer Ditch APOD Water Rights. Under Well Permit Nos. 77412-F and 77413-F, the Spitzer Wells

12-21-2017: Decree, Water Rights of LAWMA(pg5): vs. ; 17CW3001

are also permitted to pump water for industrial/commercial purposes associated with oil and gas exploration. The owner or operator of the Spitzer Wells shall separately meter pumping of the Spitzer Wells for irrigation use and for oil and gas use. Pursuant to this Decree and the 02CW181 Decree, LAWMA shall replace out-of-priority depletions caused by pumping of the Spitzer Wells for both irrigation use pursuant to the Sweitzer Ditch APOD Water Rights and for oil and gas use. LAWMA shall separately track stream depletions caused by pumping of the Spitzer Wells for irrigation use and by pumping of the Spitzer Wells for oil and gas use in the accounting LAWMA maintains pursuant to paragraph 15 of this Decree and paragraph 47.I of the 02CW181 Decree.

10.1.1 Depletions caused by pumping for irrigation use: The amount, timing and location of depletions caused by pumping of the Spitzer Wells for irrigation use will be determined in accordance with the methodologies approved in the 02CW181 Decree (including its Exhibit R, paragraph D) and the 14CW3059 Decree. The presumptive depletion factor ("PDF") to be applied to pumping of the Spitzer Wells for irrigation is listed in attached **Exhibit D** and will be used to determine the wellhead depletions caused by pumping of the Spitzer Wells for irrigation, unless such factor is modified in accordance with paragraph 13.1 below. The amount of stream depletions caused by pumping the Spitzer Wells for irrigation will be calculated as four percent of wellhead depletions in accordance with the 14CW3059 Decree. The timing and location of stream depletions caused by pumping the Spitzer Wells for irrigation will be determined using the aquifer parameters and methodology described in **Exhibit D**. For purposes of administration, stream depletions will be considered to impact the stream in the same month that pumping occurs. Stream depletions caused by pumping of the Spitzer Wells for irrigation will be considered out of priority when the Sweitzer Ditch water right, described in paragraph 8.2 above, is out of priority. LAWMA will document how LAWMA determines and quantifies in-priority and out-of-priority pumping of the Sweitzer Wells for irrigation in the accounting LAWMA maintains pursuant to paragraph 15 of this Decree and paragraph 47.I of the 02CW181 Decree.

10.1.2 Depletions caused by pumping for oil and gas use: The amount, timing and location of depletions caused by pumping of the Spitzer Wells for oil and gas use will be determined in accordance with the methodologies approved in the 02CW181 Decree (including its Exhibit R, paragraph J). The PDF to be applied to pumping of the Spitzer Wells for oil and gas uses is listed in **Exhibit D** and will be used to determine the wellhead depletions resulting from pumping of the Spitzer Wells for oil and gas uses. The amount of

stream depletions caused by pumping of the Spitzer Wells for oil and gas uses will be calculated as four percent of wellhead depletions. The timing and location of stream depletions caused by pumping of the Spitzer Wells for oil and gas uses will be determined using the aquifer parameters and methodology described in **Exhibit D**. For purposes of administration, stream depletions will be considered to impact the stream in the same month that pumping occurs. Because there are no water rights associated with the Spitzer Wells for pumping for oil and gas uses, stream depletions attributable to such pumping will be considered out of priority at all times except during periods of free river.

10.2 Dawson Well: Currently, out-of-priority stream depletions caused by pumping of the Dawson Well for irrigation of up to 20 acres are replaced under LAWMA's Rule 14 plan. After entry of this Decree, all out-of-priority stream depletions caused by pumping of the Dawson Well for any use will be augmented under LAWMA's plan for augmentation. Under LAWMA's plan for augmentation, the Dawson Well will be pumped for uses within the boundaries of the Sand Creek Massacre National Historic Site, including but not limited to drip irrigation of new plantings, dust abatement, native vegetation restoration, emergency fire suppression, cleaning of park structures and equipment, supplemental potable water for human consumption and sanitation use in the event the National Park Service's commercial exempt well for the Sand Creek Massacre National Historic Site fails to provide enough water for those purposes, and miscellaneous outdoor projects. As shown in **Exhibit D**, a PDF of 100% will be applied to pumping of the Dawson Well for all uses to determine wellhead depletions. Stream depletions caused by pumping of the Dawson Well will be calculated as four percent of wellhead depletions. The timing and location of stream depletions from pumping of the Dawson Well will be determined in accordance with the methodologies approved in the 02CW181 Decree using the aquifer parameters and methodology described in **Exhibit D**. For purposes of administration, stream depletions will be considered to impact the stream in the same month that pumping occurs.

11. LAWMA's allocation of pumping to the Additional LAWMA Structures under LAWMA's augmentation plan: The amount of water each Additional LAWMA Structures may pump each year pursuant to this Decree and the 02CW181 Decree will vary depending on (1) the number of LAWMA shares the owner or operator of the Additional LAWMA Structure dedicates to that structure ("Dedicated Shares"); (2) that plan year's allocation to a LAWMA common share (given as a percentage, with a full allocation being 100%) ("Allocation Percentage"); and (3) the PDF for the Additional LAWMA Structure. LAWMA will determine allowable pumping for each Additional LAWMA Structure by dividing the number of Dedicated Shares by the PDF, dividing that result by four percent,

and multiplying that result by the Allocation Percentage. The equation for determining allowable pumping under this Decree and the 02CW181 Decree therefore is [(Dedicated Shares / PDF) / 0.04 x Allocation Percentage]. In accordance with the 14CW3059 Decree, combined pumping of the Spitzer Wells for irrigation pursuant to the Sweitzer Ditch APOD Water Rights and any administrative replacement or augmentation approval is limited to 435 acre-feet per year. In accordance with Well Permit Nos. 77412-F and 77413-F, combined pumping of the Spitzer Wells for industrial/commercial purposes associated with oil and gas exploration is limited to 10 acre-feet per year.

12. Replacement of depletions: LAWMA shall replace depletions attributable to pumping of the Additional LAWMA Structures as follows:

12.1 In accordance with the terms and conditions of this Decree and the 02CW181 Decree, LAWMA shall replace, in time, location, and amount, all out-of-priority stream depletions to vested water rights in Colorado caused by pumping of the Additional LAWMA Structures.

12.2 In accordance with the terms and conditions of this Decree and the 02CW181 Decree, LAWMA shall replace, in time, location, and amount, all depletions to stateline flows caused by pumping of the Additional LAWMA Structures, except at times the State Engineer determines that there are unusable flows passing the stateline and all Colorado water rights located downstream from the locations at which the Additional LAWMA Structures deplete the Arkansas River are satisfied. The locations at which the Additional LAWMA Structures deplete the Arkansas River are identified in **Exhibit D**. For the purposes of this Decree, the minimum criteria used by the State Engineer for determining when there are unusable flows passing the stateline will be Appendix J.2, paragraph 2, of the stipulated *Kansas v. Colorado* decree, as it may be modified in the future, or a subsequent agreement between Kansas and Colorado on that subject.

12.3 Use of Fryingpan-Arkansas Project water and return flows as augmentation source: The Additional LAWMA Structures are located outside the boundaries of the Southeastern Colorado Water Conservancy District. Accordingly, the Additional LAWMA Structures are not eligible to receive Fryingpan-Arkansas Project water, including return flows, as an augmentation source.

13. Change in type of use of the Additional LAWMA Structures: If, in the future, the owner or user of an Additional LAWMA Structure changes the use of water diverted by that structure or obtains a new water right for a different use of water diverted by that structure, then LAWMA may add such different use to the Case No. 02CW181 plan for augmentation only by filing an application with the Court and obtaining a decree that (1) authorizes such different use, including any necessary terms and conditions related to augmentation of the

different use, and (2) approves the consumptive use factor to be applied to such different use. LAWMA shall provide notice of any such application in the manner provided by statute for a new Water Court application.

13.1 This decree authorizes the Spitzer Wells to divert water for sprinkler irrigation of the land described on **Exhibit C**. If the owner or operator of the Spitzer Wells seeks to irrigate using any other application method, LAWMA shall file with the Court, with service on all parties in this case, a notice describing the new proposed method of irrigation application and the new proposed presumptive depletion factor. If the new proposed method of irrigation application and the new proposed presumptive depletion factor already are provided for in paragraph D of Exhibit R to the 02CW181 Decree, the new application method may be used and LAWMA shall incorporate the new presumptive depletion factor into its accounting upon filing of such notice. If the new proposed method of irrigation application and the new proposed presumptive depletion factor are not already provided for in paragraph D of Exhibit R to the 02CW181 Decree, Objectors will have 35 days to file any objections to LAWMA's proposed presumptive depletion factor. If no objections are filed, beginning on the 36th day after service of notice, the new application method may be used and LAWMA shall incorporate into its accounting the new presumptive depletion factor that it proposed in such notice. If objections are filed, the Court shall conduct such proceedings as are necessary to determine the appropriate presumptive depletion factor for the new application method. The Court retains jurisdiction to conduct such proceedings in accordance with this paragraph 13.1.

14. Deletion of Additional LAWMA Structures: To delete an Additional LAWMA Structure from the Case No. 02CW181 plan for augmentation, LAWMA or the owner of the Additional LAWMA Structure shall file an application with the Water Court, with notice as required by law, seeking the deletion of the Additional LAWMA Structure from the Case No. 02CW181 plan for augmentation and proposing terms and conditions on which said application should be granted. Unless and until this Court authorizes the deletion of an Additional LAWMA Structure from the Case No. 02CW181 plan for augmentation by a decree or order that includes terms and conditions requiring replacement of ongoing depletions resulting from use of the Additional LAWMA Structure under the Case No. 02CW181 plan for augmentation, LAWMA shall replace out-of-priority depletions caused by diversions from the Additional LAWMA Structure while such structure was included in the Case No. 02CW181 plan for augmentation.

15. Integration into Case No. 02CW181 plan for augmentation accounting and projection: The accounting for operation of the Additional LAWMA Structures will be incorporated into the accounting and projection required by paragraphs 47.E and I. of the 02CW181 Decree.

The owners or operators of the Additional LAWMA Structures will report metered well-pumping data to LAWMA, which will input the data into LAWMA's 02CW181 accounting system that generates the monthly report that LAWMA submits to the Division Engineer's Office. The accounting for the Additional LAWMA Structures shall include, without limitation, monthly diversions, monthly unlagged depletions, and monthly lagged depletions for each Additional LAWMA Structure. LAWMA submits and shall continue to submit to the Division Engineer's Office, no later than the 15th of each month, the accounting required by the 02CW181 Decree. Additionally, in accounting for operation of the Additional LAWMA Structures, LAWMA shall use the accounting forms pending approved in Case No. 14CW3004 (the "Integrated Accounting Forms"). The Integrated Accounting Forms account for, in an integrated manner and on a monthly basis by stream reaches, LAWMA's augmentation operations under the 02CW181 Decree and all subsequent decrees adding structures to the augmentation plan decreed in Case No. 02CW181; operations under approved substitute water supply plans that utilize LAWMA shares as a source of replacement water; replacement operations under LAWMA's Rule 14 Plan; and return flow maintenance operations under any LAWMA Rule 10 Compact Compliance plan that utilizes LAWMA shares as a source of replacement water.

16. New well permits for the Additional LAWMA Structures: To the extent this Decree authorizes pumping of the Additional LAWMA Structures for uses or in amounts different from or greater than those permitted under the Additional LAWMA Structures' current well permits, the owners or operators of the Additional LAWMA Structures shall obtain new well permits for the Additional LAWMA Structures consistent with the terms and conditions of this Decree.

17. No injury: The terms and conditions in this Decree and in the 02CW181 Decree are adequate to ensure that no injury to any vested Colorado water rights will result from the operation of the plan for augmentation and are adequate to ensure that the Arkansas River Compact ("Compact") will not be violated from operation of the plan for augmentation.

18. Approval of plan for augmentation: The addition of structures to LAWMA's plan for augmentation is in accordance with law and should be granted subject to the terms of this Decree.

CONCLUSIONS OF LAW

19. Incorporation of Findings of Fact: The foregoing Findings of Fact are incorporated herein.

20. Notice and jurisdiction: The Water Court for Water Division No. 2 has exclusive jurisdiction over this proceeding and over all persons and property that may be affected hereby, whether or not those persons have chosen to appear. The Application in this matter

and the resume publication thereof placed such persons on notice of the relief requested by the Application and granted by this Decree.

21. Application contemplated by law: The Application in this case is contemplated by law and was filed in accordance with C.R.S. § 37-92-302(1)(a).

22. Arkansas River Compact compliance: The Application in this case seeks approval of a plan for augmentation for the replacement of the stream depletions associated with the Additional LAWMA Structures in a manner that ensures compliance with the Compact. This Court has no jurisdiction over the State of Kansas in determining whether this plan for augmentation will ensure that the operation of the structures will not violate the Compact. It is the State of Colorado's obligation to ensure that Colorado complies with the Compact. The Court is required to determine the effect of this plan for augmentation on compliance with the Compact. *Se. Colo. Water Conservancy Dist. v. Ft. Lyon Canal Co.*, 720 P.2d 133 (Colo. 1980). The Court finds that the terms and conditions of this Decree and the 02CW181 Decree require that all stream depletions to stateline flows caused by the Additional LAWMA Structures be replaced, except at times when the State Engineer determines that there are unusable flows passing the stateline. Therefore, the operation of the Additional LAWMA Structures pursuant to the terms and conditions of this Decree and the 02CW181 Decree will not violate the Compact.

23. Plan for augmentation: The inclusion of the Additional LAWMA Structures in the plan for augmentation described in the 02CW181 Decree should be granted, subject to the terms and conditions contained in this Decree and the 02CW181 Decree.

JUDGMENT AND DECREE

24. Incorporation of Findings of Fact and Conclusions of Law: The Findings of Fact and Conclusions of Law set forth in paragraphs 1 through 23 above are incorporated herein.

25. Approval of plan for augmentation: LAWMA's application is granted, subject to the terms and conditions contained in this Decree and in the 02CW181 Decree. The Additional LAWMA Structures are hereby added to the 02CW181 Decree plan for augmentation and are entitled to operate pursuant to the terms and conditions of the 02CW181 plan for augmentation.

26. No injury: The terms and conditions provided for in this Decree are adequate to ensure that no injury to any water users will occur from the operation of the plan for augmentation and are adequate to ensure that the Compact will not be violated from operation of the plan for augmentation.

27. 02CW181 Decree: This Decree does not change any provisions of the 02CW181 Decree other than the inclusion of the Additional LAWMA Structures.

28. Retained jurisdiction under 02CW181 Decree: The Court retains jurisdiction over operation of LAWMA's plan for augmentation as provided in the 02CW181 Decree, and this Decree does not change any of the retained jurisdiction provisions of the 02CW181 Decree.

29. Perpetual retained jurisdiction: In addition to the general retained jurisdiction described in Paragraph 30 below, the Court specifically retains perpetual jurisdiction over the following matters as they relate to the Additional LAWMA Structures:

29.1 To review the modification, termination or expiration of the 1980 Operating Plan, the Offset Account Resolution, the Offset Account Crediting Agreement, Agreement "B," the Highland Canal Agreement, or any agreements for LAWMA's use of augmentation supplies, and the effect the modification, termination or expiration may have on the operation of the Additional LAWMA Structures under LAWMA's plan for augmentation.

29.2 To review any petition LAWMA may file pursuant to paragraph 47.D of the 02CW181 Decree to permanently add and/or change the location at which LAWMA releases augmentation water or measures its credits for consumptively usable water left undiverted in the stream. LAWMA shall file any such petition under paragraph 47.D of the 02CW181 Decree simultaneously in Case No. 02CW181 and this case, along with a request that the Court consolidate review of the petition in the two cases under Case No. 02CW181.

29.3 To review changes to the methodology for determining Compact compliance and the effect the changes may have on the operation of the Additional LAWMA Structures under LAWMA's plan for augmentation

29.4 To review changes that may be ordered by the United States Supreme Court pursuant to its retained jurisdiction in *Kansas v. Colorado*, No. 105, Original, to protect the rights of the State of Kansas under the Compact, and the effect such changes may have on the operation of the Additional LAWMA Structures under LAWMA's plan for augmentation.

29.5 To resolve any dispute regarding Additional Augmentation Water that LAWMA may seek to use to augment the Additional LAWMA Structures pursuant to paragraph 9.2 above.

29.6 To resolve any dispute regarding the proposed presumptive depletion factor to be applied to any changed water application method for pumping of the Spitzer Wells for irrigation use pursuant to paragraph 13.1 above.

30. Retained jurisdiction – Additional LAWMA Structures: In accordance with C.R.S. § 37-92-304(6), the addition of structures to LAWMA's plan for augmentation decreed herein will be subject to reconsideration for a period beginning upon entry of this Decree and running through March 2, 2042, which period will be coextensive with the period of the Court's general retained jurisdiction under paragraph 72 of the 02CW181 Decree. The retained jurisdiction will automatically terminate on March 2, 2042, unless invoked as provided herein or extended pursuant to statutory authority. The Court retains jurisdiction to reconsider whether operation of the Additional LAWMA Structures in LAWMA's plan for augmentation is causing injury to the vested water rights of others. The Court's retained jurisdiction may be invoked by any party by filing a proper petition with the Court and serving the non-petitioning parties. The petition to invoke the Court's retained jurisdiction or extend the period of retained jurisdiction must be made in good faith and under oath, and must set forth with particularity its factual basis, together with proposed decretal language to effect the petition. The party who files such a petition shall have the initial burden of coming forward to establish a prima facie showing of the existence of the injury alleged in the petition. Upon such a showing of the existence of injury by a party filing such a petition other than LAWMA, the burden of showing non-injury shifts to LAWMA. In response to a petition regarding its retained jurisdiction pursuant to this paragraph, the Court may (1) require additional or modified protective conditions to prevent injury from the operation of the Additional LAWMA Structures, (2) extend the period of retained jurisdiction as necessary to ascertain the nonoccurrence of injury from operation of the Additional LAWMA Structures, or (3) determine that operation of the Additional LAWMA Structures in accordance with the terms and conditions of this Decree and the 02CW181 Decree is not causing injury to the vested water rights of others. Such additional or modified conditions may, if adequately proved, be more or less restrictive than the terms and conditions of this Decree. Except to the extent the Court has retained jurisdiction, this Decree is final.

31. No precedent: There was no trial in this matter and no issues were litigated. The findings of fact, conclusions of law, and decree were completed as the result of substantial discussions, negotiations, and compromises by and between LAWMA and the Engineers pertaining to all parts of the findings, conclusions, and decree. It is specifically understood and agreed by the parties hereto, and found and concluded by the Court, that the acquiescence of the parties to a stipulated decree under the specific factual and legal circumstances of this contested matter and upon the numerous and interrelated compromises reached by the parties shall never give rise to any argument, claim, defense or theory of acquiescence, waiver, bar, merger, *stare decisis, res judicata,* estoppel, laches,

or otherwise, nor to any administrative or judicial practice or precedent, by or against any of the parties hereto in any other matter, case or dispute, nor shall testimony concerning such acquiescence of any party to a stipulated decree herein by allowed in any other matter, case or dispute. The parties stipulate and agree that they do not intend the findings, conclusions, and decree to have the effect of precedent or preclusion with respect to any factual or legal issue in any other matter. The parties further stipulate and agree that they each reserve the right to propose or to challenge any legal or factual position in any other plan for augmentation or other matter filed in this or any other court without limitation by these findings, conclusions, and judgment and decree.

DATED this 21st day of December, 2017.

BY THE COURT:

LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

Exhibit A
Case No. 17CW3001
LAWMA Structures

Structure Name (1)	Owner (2)	SEO ID No. (3)	Permit No. (4)	Case No. (5)	Q40 (6)	Q160 (7)	Sec (8)	Ts (9)	Rng (10)	Distance NS (11)	Distance EW (12)	County (13)	SECWCD (14)	Source (15)
Sweitzer Well No. 16795-F	Greg Spitzer	6706101	18943 F 77412 F	14CW3059	NW	SW	6	18S	46W	1780 S	1050 W	Kiowa	No	Rush Creek Tributary
Dawson Well No. 1	National Park Service	6706142	13260 RR	W3235	NW	SW	30	17S	45W	1526 S	1161 W	Kiowa	No	Big Sandy Creek Tributary
Sweitzer Well No. 16794-F	Greg Spitzer	6706154	18944 F 77413 F	14CW3059	SE	SE	36	17S	47W	120 S	400 E	Kiowa	No	Rush Creek Tributary

DATE FILED: December 21, 2017 11:36 AM

LAWMA Structures - GPS Location

Structure Name (1)	Owner (2)	SEO ID No. (3)	Permit No. (4)	UTM X (5)	UTM Y (6)	Elevation (7)	Datum (8)
Sweitzer Well No. 16795-F	Greg Spitzer	6706101	18943 F 77412 F	707681	4266177	3991	NAD83
Dawson Well No. 1	National Park Service	6706142	13260 RR	717325	4269243	3969	NAD83
Sweitzer Well No. 16794-F	Greg Spitzer	6706154	18944 F 77413 F	707279	4267012	4001	NAD83

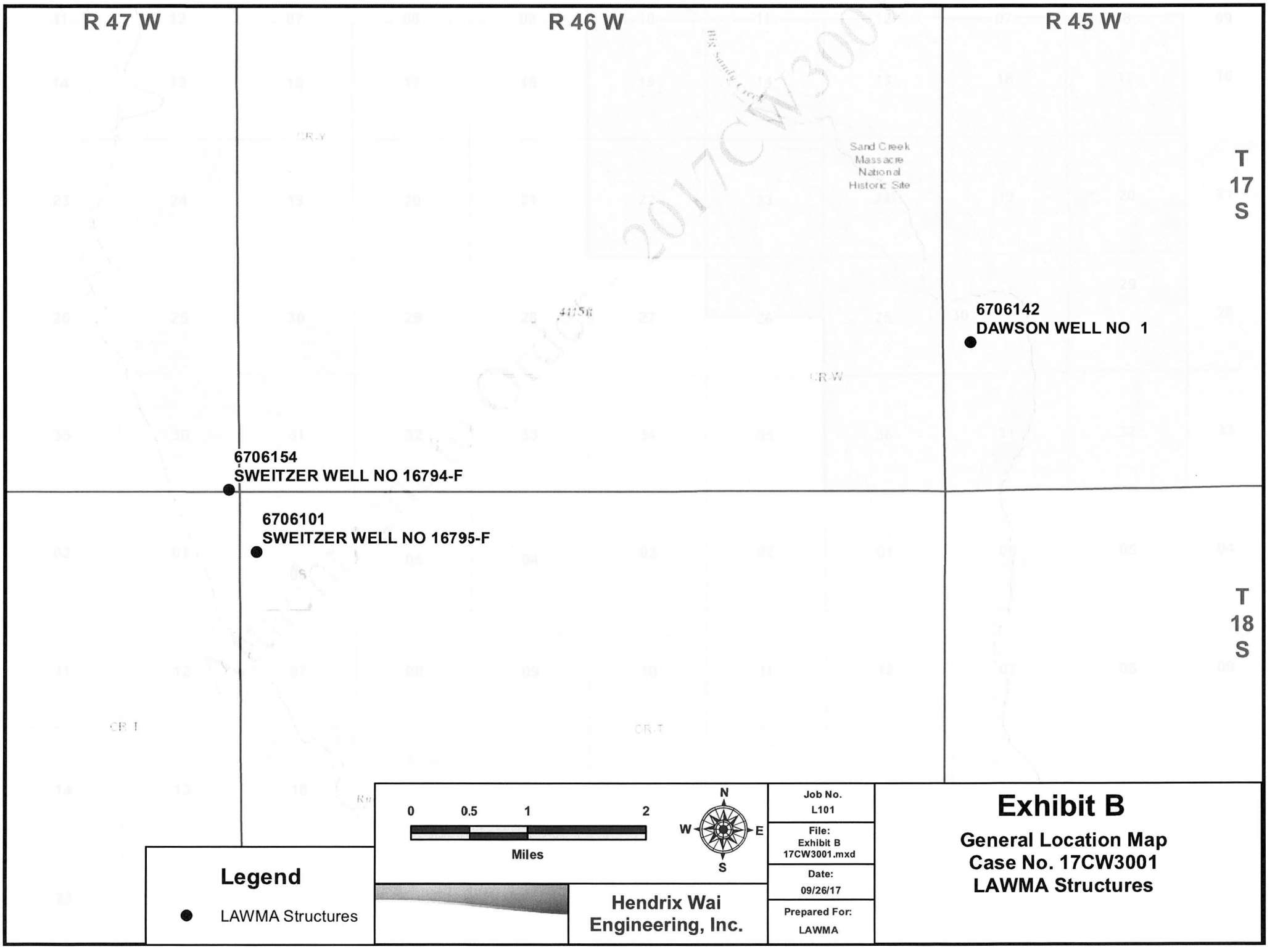

R 47 W
R 46 W
R 45 W
T 17 S
T 18 S
Sand Creek Massacre National Historic Site
6706142
DAWSON WELL NO 1
6706154
SWEITZER WELL NO 16794-F
6706101
SWEITZER WELL NO 16795-F
CR Y
CR W
CR T
0 0.5 1 2
Miles
N
W
E
S
Legend
LAWMA Structures
Hendrix Wai Engineering, Inc.
Job No. L101
File: Exhibit B 17CW3001.mxd
Date: 09/26/17
Prepared For: LAWMA
Exhibit B
General Location Map
Case No. 17CW3001
LAWMA Structures

Exhibit C

DISTRICT COURT, WATER DIVISION 2, COLORADO 501 N. Elizabeth Street, Suite 116, Pueblo, Colorado 81003 Phone: (719) 404-8700	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: **GREG S. SPITZER, KELLY SPITZER AND PERRY TEMPEL D/B/A RUSH CREEK LAND & CATTLE,** **IN THE ARKANSAS RIVER OR ITS TRIBUTARIES IN PROWERS COUNTY, COLORADO.**	DATE FILED: April 28, 2016 8:11 AM Δ COURT USE ONLY Δ
	Case No.: 2014CW3059

RULING OF THE REFEREE AND JUDGMENT AND DECREE OF THE WATER COURT GRANTING APPLICATION FOR CHANGE OF WATER RIGHT

Pursuant to Order of Referral filed and entered in the above case on December 31, 2014, the undersigned Water Referee, having investigated the matter of the Application on file herein, hereby makes the following findings and ruling thereon:

FINDINGS OF FACT

1. An Application for Change of Water Right was filed on December 30, 2014.

2. The Water Clerk caused publication of such filing as provided by statute, and proof of publication has been filed. The time for filing Statements of Opposition expired on the last day of February, 2015, and Statements of Opposition were filed by Lower Arkansas Water Management Association and Tri-State Generation and Transmission. Applicants have entered into Stipulations with these Objectors which have been approved by the Court.

3. The Application concerns a claim for change of water rights for two wells owned by Applicants.

4. Pursuant to C.R.S. 37-92-302(4), the Division Engineer filed his Consultation Report dated March 6, 2015.

5. The decreed water rights which are the subject of this Application are described as follows, to-wit:

   A. Name of structure: Well No. 6706154, Permit No. 18944-F
   Well No. 6706101, Permit No. 18943-F

   B. Date of original and all relevant subsequent decrees:

   March 8, 1974 Case No: W-4028
   August 16, 1979 Case No: W-4028-(78)
   September 16, 1982 Case No: 82CW11
   District Court, Water Division No. 2

C. Legal description of structure as described in most recent decree that adjudicated the location:

The location of Well No. 6706154 is the SE¼SE¼ of Section 36, Township 17 South, Range 47 West of the 6th P.M., more particularly described as being 120 feet from the south section line and 400 feet from the east section line of said section.

The location of Well No. 6706101 is the NW¼SW¼ of Section 6, Township 18 South, Range 46 West of the 6th P.M., more particularly described as being 1,760 feet from the south section line and 1,000 feet from the west section line of said section.

A USGS topographic map showing the location of these wells was attached to the Application as Exhibit B and an aerial map was attached as Figure 2.

D. Decreed source of water: Groundwater with an alternate point of diversion for the Sweitzer Ditch

E. Appropriation Date: Fall 1974

F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (c.f.s.):

Conditional:	N/A	
Absolute:	Well No. 6706154	1000 gpm
	Well No. 6706101	1000 gpm

G. Decreed use or uses: Irrigation

H. Amount of water that applicant intends to change:

Conditional:	N/A	
Absolute:	Well No. 6706154	220 acre feet
	Well No. 6706101	215 acre feet

6. Detailed description of proposed change:

These wells were adjudicated in 1974 as alternate points of diversion for the Sweitzer Ditch which was adjudicated October 14, 1918, and pumped groundwater prior to 1986 for irrigation use on the lands shown on Exhibit C and Figure 2 attached hereto. However, the wells were administered as diverting groundwater and were included in the Arkansas River Replacement Plan filed by the Lower Arkansas Water Management Association ("LAWMA") as early as 1998. When membership shares were originally issued by LAWMA, 6 shares were issued by LAWMA to the owner of these wells on January 15, 1999. These wells were administered under a Rule 14 Plan as "pre-1986" wells for agricultural irrigation, and augmentation for wells pumping from the Rush Creek Alluvium has been set at 4 percent of the consumptive use of pumping. Applicants are irrigating with two sprinklers which were approved in Case No. W-4028 for 307 acres. Said irrigated land was described as 160 acres in the S½SE¼ of Section 36, Township 17 South, Range 47 West of the 6th P.M. and N½NE¼ of Section 1, Township 18 South, Range 47 West of the 6th P.M. and 160 acres located in the W½W½ of Section 6, Township 18 South,

Range 46 West of the 6th P.M. and the E½E½ of Section 1, Township 18 South, Range 47 West of the 6th P.M.

Applicants requested that the Court correct the location for Well No. 6706101, Permit No. 18943-F. A more correct location for this well is the NW¼SW¼ of Section 6, Township 18 South, Range 46 West of the 6th P.M., more particularly described as being 2,500 feet from the south section line and 850 feet from the west section line of said section.

Applicants requested that the location of the irrigated land be corrected. The location of said irrigated land is more correctly described as set forth in Exhibit C and Figure 2 attached hereto. Said irrigated land totals approximately 271 acres.

Applicants requested that the water diverted from these wells be considered groundwater with an appropriation date of the Fall 1974 so that these wells can continue to be included in LAWMA's replacement plans. Applicants attached to their Application as Exhibit A schedules dated February 23, 1999 listing these wells as LAWMA structures. Applicants shall request LAWMA to include these wells in LAWMA's plan for augmentation.

Applicants shall secure approval of a Substitute Water Supply Plan through LAWMA to permit pumping in 2016 and thereafter. Augmentation shall be calculated at four percent (4%) of well head depletions, which is calculated at eight-five percent (85%) for sprinklers. The total allowed pumping of 435 a.f. shall require augmentation of 14.79 a.f. (435 a.f. x 85% x 4%) This augmentation will vary depending upon pumping by Applicants and allocation by LAWMA.

The Decree entered by the Court on March 8, 1974 in Case No. W-4208 provided in part that "Each well, at the option of the Applicants, may be used to irrigate lands normally irrigated by the other well." Applicants requested that the Court approve the interconnection of the two wells so that both wells, at the option of the Applicants, can be pumped together not to exceed 1,000 gpm to deliver water to either or both of the two sprinklers. Said wells will be operated so that depletions are replaced pursuant to LAWMA augmentation requirements.

Combined pumping from Well No. 6706154 and Well No. 6706101 shall not exceed 435 acre feet in any year inclusive of pumping as an alternate point for the Sweitzer Ditch and pumping under administrative replacement or augmentation approvals (including but not limited to Rule 14).

Of the original 50 c.f.s. Sweitzer Ditch water right decreed on October 14, 1918 in the Bent County District Court, 25 c.f.s. of that amount, which included the 4.44 c.f.s. transferred to alternate points of diversion at Well No. 6706154 and Well No. 6706101, was the subject of Case No. W-4028. Of that 25 c.f.s., the remaining 10.56 c.f.s. water right that was not previously abandoned to the stream or transferred to alternate points of diversion in Case No. W-4028 is hereby abandoned to the stream.

There was no trial in this matter and no issues were litigated. This Decree was completed as the result of substantial discussions, negotiations and compromises by and between Applicants and Opposers pertaining to all parts of the Decree and its exhibits. It is specifically understood and agreed by the parties hereto, and found and concluded by the Court, that the acquiescence of the parties to a stipulated Decree and its exhibits under the specific factual and legal circumstances of this contested matter and upon the numerous and interrelated compromises reached by the parties shall never give rise to any argument, claim, defense or theory of acquiescence, waiver, bar, merger, *stare decisis*, *res judicata*, estoppels, laches, or otherwise,

nor to any administrative or judicial practice or precedent, by or against any of the parties hereto in any other matter, case or dispute, nor shall testimony concerning such acquiescence of any party to a stipulated decree herein be allowed in any other matter, case or dispute. The parties further stipulate and agree that they each reserve the right to propose or to challenge any legal or factual position in any other plan for augmentation or other matter filed in this or any other court without limitation by this Decree or its exhibits.

These changes requested by Applicants are approved by the Court.

Name and Address of Applicants:

Name of Applicant	Mailing Address	Email address	Telephone Number
Greg S. Spitzer	P.O. Box 246, Wiley, CO 81092	gspitzer37@gmail.com	(719) 829-4350
Kelly Spitzer	P.O. Box 246, Wiley, CO 81092	kelly@tempelgrain.com	(719) 829-4350
Perry Tempel	P.O. Box 246, Wiley, CO 81092	ptempel1@san.rr.com	(719) 829-4350

IT IS FURTHER ORDERED that Applicants shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said Office.

IT IS FURTHER ORDERED that copies of this ruling shall be mailed as provided by statute.

Dated and filed with the Water Clerk this 4th day of March, 2016.

BY THE REFEREE:

Mardell R. DiDomenico

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

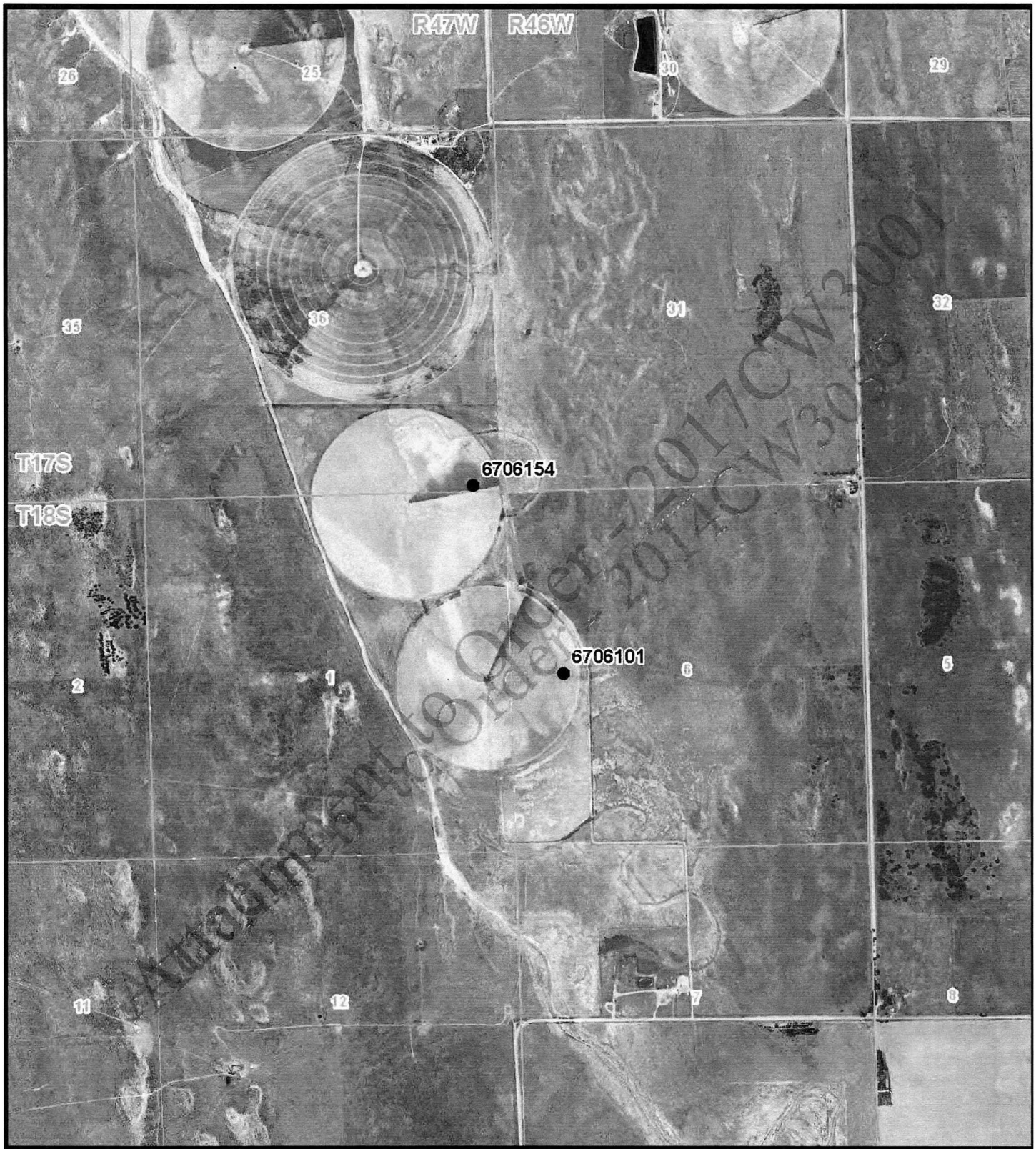
DECREE OF THE WATER COURT

No protest was filed in this matter. The foregoing Ruling is confirmed and approved and is made the Judgment and Decree of this Court.

Done this 28th day of April, 2016.

BY THE COURT:

LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2



Helton & Williamsen, P.C.		N	FIGURE 2
Drawn by: ACO	Job No. T401		Rush Creek Land & Cattle
File: Rush_Creek_Wells.mxd	Date: 1/31/2013	Checked by:	
0 1,000 2,000 4,000 6,000 Scale in Feet		Rev. Date:	July 5, 2011 Aerial Photography

EXHIBIT C

TOWNSHIP 18 SOUTH, RANGE 46 WEST OF THE 6TH P.M.
SECTION 6: W½W½

TOWNSHIP 17 SOUTH, RANGE 47 WEST OF THE 6TH P.M.
SECTION 36: A PORTION OF S½S½ OF SECTION 36, WHICH CONSIDERING THE SOUTH LINE OF SAID SECTION 36 AS BEARING S 88°40'52" E AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF TWO ANCIENT FENCES WHICH IS CONSIDERED TO BE THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE N 88°40'52" W 2984.40 FEET; THENCE N 17°17'14" W 1395.95 FEET; THENCE S 88°40'52" E 3389.15 FEET; THENCE S 00°26'27" E 1323.61 FEET TO THE POINT OF BEGINNING

TOWNSHIP 18 SOUTH, RANGE 47 WEST OF THE 6TH P.M.
SECTION 1: A PORTION OF SECTION 1, WHICH CONSIDERING THE NORTH LINE OF SAID SECTION 1 AS BEARING S 88°40'52" E AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF TWO ANCIENT FENCES WHICH IS CONSIDERED TO BE THE NORTHEAST CORNER OF SAID SECTION 1; THENCE N 88°40'52" W 2984.40 FEET; THENCE S 17°17'14" E 1491.49 FEET; THENCE S 24°30'22" E 2544.76 FEET; THENCE N 89°03'40" E 194.66 FEET; THENCE S 46°33'50" E 650.69 FEET; THENCE S 34°05'27" E 1200.20 FEET; THENCE N 89°31'28" E 152.75 FEET; THENCE N 00°05'13" W 5107.82 FEET TO THE POINT OF BEGINNING,

COUNTY OF KIOWA,
STATE OF COLORADO

Exhibit D
Case No. 17CW3001
Pertinent Information for Determining Depletions Caused by the LAWMA Structures

Structure Name	Owner	Wellhead Depletion Rate	SEO ID No.	Permit No.	Source	Lagging Method	H-I Model Stream Reaches
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Sweitzer Well No. 16795-F	Greg Spitzer	85% [A]	6706101	18943 F	Rush Creek Tributary	Depletions = 4% of CU/Trib area	Reach 15
		100% [B]		77412 F		No lag of depletions [D]	
Dawson Well No. 1	National Park Service	100% [C]	6706142	13260 RR	Big Sandy Creek Tributary	Depletions = 4% of CU/Trib area No lag of depletions [D]	Reach 15
Sweitzer Well No. 16794-F	Greg Spitzer	85% [A]	6706154	18944 F	Rush Creek Tributary	Depletions = 4% of CU/Trib area	Reach 15
		100% [B]		77413 F		No lag of depletions [D]	

Footnotes:

A) For wells 6706101 and 6706154 Case No. 02CW181, Exhibit R - Paragraph D. (Irrigation Uses)
B) For wells 6706101 and 6706154 Caes No. 02CW181, Exhibit R - Paragraph J. (Oil and Gas uses)
C) For well 6706142, Case No. 02CW181, Exhibit R - Paragraphs C & G.
D) Depletions from pumping impact the Arkansas River during the same month as pumping occurs.

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST, RM 821, DENVER, CO 80203
Main: (303) 866-3581 Fax: (303) 866-2223 dwrpermitsonline@state.co.us

Office Use Only

Form GWS-45 (07/2013)

GENERAL PURPOSE
Water Well Permit Application

Review instructions on reverse side prior to completing form.
The form must be computer generated, typed or in black or blue ink.

1. Applicant Information

Name of applicant
NPS, Sand Creek Massacre National Historic Site

Mailing address
P.O. Box 249

City	State	Zip code
Eads	CO	81036

Telephone # (area code & number)	E-mail (online filing required)
970-225-3526	eric_lord@nps.gov

2. Type Of Application (check applicable boxes)

- ☐ Construct new well
- ☐ Replace existing well
- ☐ Change source (aquifer)
- ☐ COGCC Well
- ■ Use existing well
- ■ Change or increase use
- ☐ Reapplication (expired permit)
- ☐ Other: _____

3. Refer To (if applicable)

Well permit #	Water Court case #
13260-R-R	W-3235 / 17CW3001
Designated Basin Determination #	Well name or #
	6706142

4. Location Of Proposed Well

County: Kiowa

NW 1/4 of the SW 1/4

Section	Township	N or S	Range	E or W	Principal Meridian
30	17	☐ N ☒ S	45	☐ E ☒ W	Sixth

Distance of well from section lines (section lines are typically not property lines)
see UTM Ft. from ☐ N ☒ S See UTM Ft. from ☐ E ☒ W

For replacement wells only – distance and direction from old well to new well
N/A feet N/A direction

Well location address (Include City, State, Zip) ☐ Check if well address is same as in Item 1.
55411 County Road W, Eads, CO 81036

Optional: GPS well location information in UTM format You must check GPS unit for required settings as follows:

Format must be UTM
☐ Zone 12 or ☒ Zone 13
Units must be Meters
Datum must be NAD83
Unit must be set to true north
Was GPS unit checked for above? ■ YES

Easting 717328
Northing 4269278
Remember to set Datum to NAD83

5. Parcel On Which Well Will Be Located
(PLEASE ATTACH A CURRENT DEED FOR THE SUBJECT PARCEL)

A. Legal Description (may be provided as an attachment):
Section 30 Township 17 S Range 45 W Sixth P.M.

B. # of acres in parcel	C. Owner
160	National Park Service

D. Will this be the only well on this parcel? ☐ YES ☒ NO (if no list other wells)
271899

E. State Parcel ID# (optional):

6. Use Of Well (check applicable boxes)

Attach a detailed description of uses applied for.

- ☐ Industrial
- ☐ Municipal
- ☐ Irrigation
- ■ Commercial
- ☐ Dewatering System
- ☐ Geothermal (production or reinjection
- ☐ Other (describe): non-exempt uses

7. Well Data (proposed)

Maximum pumping rate	Annual amount to be withdrawn
100 gpm	25 acre-feet
Total depth	**Aquifer**
30 feet	shallow alluvium

8. Land On Which Ground Water Will Be Used

Legal Description of Land (may be provided as an attachment):
Township 17 South, Range 45 West of the 6th P.M.

Section 30. Well to be used for non-exempt commercial uses (misc outside uses).

(If used for crop irrigation, attach a scaled map that shows irrigated area.)

A. # Acres	B. Owner
160	National Park Service

C. List any other wells or water rights used on this land:
271899

9. Proposed Well Driller License #(optional):

10. Sign or Entered Name Of Applicant(s) Or Authorized Agent

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

Sign or enter name(s) of person(s) submitting application	Date (mm/dd/yyyy)
[signature]	05/04/2018

If signing print name and title
Gwen Gerber - Hydrologist - National Park Service - WRD

Office Use Only

USGS map name	DWR map no.	Surface elev.

Receipt area only

AQUAMAP
WE
WR
CWCB
TOPO
MYLAR
SB5

DIV _____ WD _____ BA _____ MD _____

COLORADO
Division of Water Resources
Department of Natural Resources

WELL PERMIT NUMBER 82373-F
RECEIPT NUMBER 0058035

ORIGINAL PERMIT APPLICANT(S)

NPS, SAND CREEK MASSACRE NATIONAL HISTORIC SITE

APPROVED WELL LOCATION

Water Division: 2 Water District: 67
Designated Basin: N/A
Management District: N/A
County: KIOWA
Parcel Name: N/A
Physical Address: 55411 COUNTY ROAD W EADS, CO 81036

NW 1/4 SW 1/4 Section 30 Township 17.0 S Range 45.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 717325.0 Northing: 4269243.0

PERMIT TO CHANGE OR INCREASE USE

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-137(2), for a change of use of an existing well constructed under permit no. 13260-R-R, on the condition that this well is operated in accordance with the Lower Arkansas Water Management Association (LAWMA) Augmentation Plan approved by the Division 2 Water Court in case no. 17CW3001, as an additional structure added to the original Division 2 Water Court decree in 02CW181. If this well is not operated in accordance with the terms of said decrees, it will be subject to administration including orders to cease diverting water. This well is known as Dawson Well No. 1.

4) The issuance of this permit hereby cancels permit no. 13260-R-R.

5) The use of ground water from this well is limited to uses within the boundaries of the Sand Creek Massacre National Historic Site, including but not limited to drip irrigation of new plantings, dust abatement, native vegetation restoration, emergency fire suppression, cleaning of park structures and equipment, supplemental potable water for human consumption and sanitation use in the event the National Park Service's commercial exempt well for the Sand Creek Massacre National Historic Site fails to provide enough water for those purposes, and miscellaneous outdoor projects, as decreed in 17CW3001.

6) The pumping rate of this well shall not exceed 100 GPM, as requested.

7) For the annual withdrawal of ground water from this well under the LAWMA plans, an annual accounting method for the augmentation plan, as identified in Section 11 of the 17CW3001 decree, shall be utilized, with the annual withdrawal of ground water not to exceed 25.0 acre-feet, as requested.

8) The owner shall mark the well in a conspicuous location with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

9) This well shall not be pumped unless operated in accordance with the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin.

10) A metering method must be established for this well pursuant to the Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin. (Contact the Water Division 2 Office for a list of approved well testers). All metering must be in compliance with the operation of the augmentation plans.

11) This well must be located at least 600 feet from any existing well, completed in the same aquifer, that is not owned by the applicant.

12) This well must be located not more than 200 feet from the location specified on this permit and decreed in case no. 17CW3001.

NOTE: The well structure I.D.# is 6706142.

WELL PERMIT NUMBER 82373-F **RECEIPT NUMBER 0058035**

NOTE: The well location address is 55411 County Road W., Eads, CO 81036.

Issued By JOHN GABERT

Date Issued: 8/7/2018

Expiration Date: N/A

Docket Information

Number of Documents in Docket : 100

Documents Dated from : 04-26-1960 to 01-30-2107

Docket Compiled: 1/9/2023