

**AUGMENTATION PLAN
FOR
MT. ELBERT WATER
ASSOCIATION, INC.**

CENTRAL FILES

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

COPY

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

CASE NO. 79 CW 139

RECEIVED

AUG 26 1984

AUG 31 1984

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ~~COURT~~ DECREE

WATER RESOURCES

ENGINEER

Clerk

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF PAN-ARK
LAND AND CATTLE CORPORATION, A COLORADO CORPORATION, IN LAKE
COUNTY.

THIS MATTER coming on to be heard this 26 day
of Aug., 1984 by the Water Court and the Court having reviewed
the file herein and evidence presented in behalf of the Applicant
and specifically having noted that the within decree has been
approved in substance and form by all of the Objectors herein
and the Court having further advised itself in the premises
makes the following Findings and Ruling.

FINDINGS OF FACT

1. That the said Application was filed on August 9, 1979.
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 October, 1979, and that three such statements were timely filed by Charles J. Seise, attorney at law, on behalf of the Southeastern Colorado Water Conservancy District; by Timothy J. Flanagan and Fletcher Thomas, Kelly, Stansfield and O'Donnell, on behalf of Public Service Company of Colorado; and John U. Carlson, Holland and Hart, on behalf of Twin Lakes Reservoir and Canal Company.
3. That said Application concerns a claim for Approval of Plan of Augmentation in connection with three platted subdivision namely, Twin Lakes Addition No. 1-A, No. 1-B, and No. 1-C, all being part of Mt. Elbert Plamor Ranch, located in the vicinity of Twin Lakes, Colorado, hereinafter identified as "Pan-Ark Estates", and hereinafter more particularly described in Lake County, Colorado.
4. That on March 24, 1980 the Referee re-referred this case to the Water Judge.
5. That the Water Judge has been presented with this proposed Decree and finds that the same has been approved

in substance and form by the Applicant and all appearing Objectors.

6. Pan-Ark Estates consists of the Twin Lakes Addition No. 1-A, No. 1-B, and No. 1-C, which are three duly platted subdivisions of Mt. Elbert Plamor Ranch, all located in Sections 9 and 10, Township 11 South, Range 80 West, of the 6th P.M., Lake County, Colorado, and are more particularly described as follows:

Twin Lakes Addition No. 1-A

NW 1/4, Sec. 9, T 11 S, R 80 W, of the 6th P.M., containing 160 acres more or less.

Twin Lakes Addition No. 1-B

SW 1/4, Sec. 10, T 11 S, R 80 W, of the 6th P.M., containing 160 acres more or less.

Twin Lakes Addition No. 1-C

NE 1/4, Sec. 9, T 11 S, R 80 W, of the 6th P.M., containing 160 acres more or less.

The Applicant, Pan-Ark Land and Cattle Corporation, was and is the developer of Pan-Ark Estates and is the present owner of various unsold lots within Pan-Ark Estates. The remaining lots are owned by various individual or other legal entities. At the date of filing the Application there were 49 residences connected to the Applicant's water system and that at this date there are 65 residential units connected to the water system.

The number of platted lots in Pan-Ark Estates is 1,156 with an estimated maximum developable homesites of 400.

7. Pan-Ark Estates is not within a designated groundwater basin and all water and water courses within Pan-Ark Estates are tributary to the Arkansas River or its tributaries.

8. That the Application concerns a Plan for Augmentation for two wells, Huntzinger Well No. 1 (presently existing) and Huntzinger Well No. 2 (proposed to be constructed), hereinafter called "Well No. 1" and "Well No. 2", and the use claimed is for municipal, including in-house domestic use, to include campers, trailers and mobile homes; construction of homes; bleeding of mains to prevent freezing and stagnation and line losses.

9. That the Applicant anticipates the equivalent

for in-house water consumption use purposes of 400 residential units at the time that Pan-Ark Estates is fully developed.

10. That the Applicant contemplates for its development per residential unit (or the equivalent thereof) 90 gallons use per day per unit computed on a year around basis with the understanding that significant variations of use per unit will occur by reason of the seasonal and sporadic nature of the occupancy.

11. That the source of water supply at present consists of Huntzinger Well No. 1, located on Lot 675 of Twin Lakes Addition No. 1-A; further described as being in the SW 1/4 NW 1/4 of Section 9, T 11 S, R 80 W of the 6th P.M. and being 2600 feet from the north line of and 150 feet from the west line of said Section 9. The proposed location of Huntzinger Well No. 2 is 80 feet north of Well No. 1 and, likewise, is in Lot 675 of Twin Lakes Addition No. 1-A.

12. That the terrain of Pan-Ark Estates is mountainous, consisting of steep slopes, ridges and drainage courses and other areas of flat level ground. Forest cover consists of sparse, medium and dense areas of trees. Pan-Ark Estates is underlaid with glacial morain, consisting mostly of boulders, unconsolidated gravels, with a relatively thin covering of top soil, thus, providing excellent means of sewage disposal by the installation of septic tanks and non-evaporative leach fields.

13. That sewage disposal presently and for the contemplated future for each of the residential units is and is to be by means of septic tanks with non-evaporative leach fields.

14. That by reason of the nature of the sewage disposal by septic tanks and non-evaporative leaching fields and by reason of the character of the terrain and underlying soil conditions and because of the Protective Covenants (hereinafter described) imposed upon the land prohibiting irrigation as well as evaporative transpiration sewage disposal systems, only 20% of the annual water supply requirements will normally be consumptively used.

15. That the water supply requirements for the full 400 unit development level of Pan-Ark Estates are estimated to be 36,000 gallons per day with an annual demand of 40.4 acre feet per year. Accordingly, the total consumptive use is anticipated to be 8.08 acre feet per year.

16. That the Applicant owns 8 shares of stock of

