

# MONSON, CUMMINS & SHOJET, LLC

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Of Counsel: STEVEN T. MONSON

September 9, 2021

Ryan Howser  
Planner II  
El Paso County Planning & Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

*Re: Comments received for the Treasured Acres Filing No. 1 Minor Subdivision*

Dear Mr. Howser:

Our firm represents Jerry and Sharon Lomax, applicants of the Treasured Acres Filing No. 1 Minor Subdivision. Mr. Lomax received comments on the Water Resources Report and Water Supply Summary from El Paso County concerning the water demand for each of the lots within the subdivision. Please find our response to the comment below.

- 1. Comment: "0.20 acre-feet/lot water demand indicated in Water Supply Summary form and Water Resources report do not meet El Paso County's presumptive use values. Applicant will need to provide specific information to support its estimate."*

The minimum presumptive 0.26 value does not apply where there is another minimum value "established as acceptable by the State Engineer." Land Development Code §8.4.7(d). The 0.20 acre-foot per home minimum was established for the property in the April 29, 2019, Findings and Order issued by the Colorado Ground Water Commission authorizing the Replacement Plan associated with Determination of Water

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\* Also licensed in Wyoming



Right No. 3668-BD for the Dawson Aquifer (“Replacement Plan”). In its review of replacement plan applications, the Ground Water Commission receives comments and recommendations on the requested plan from the State Engineer’s Office and applicable Ground Water Management Districts, and also considers any objections to the application. The State Engineer’s Office and the Ground Water Management District(s) remarks concern all aspects of the replacement plan application, including the sufficiency of water for in-home purposes.

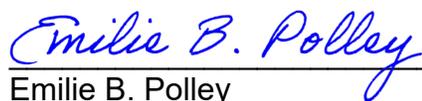
The Applicants’ sanctioned Replacement Plan specifically establishes 0.20 acre-feet for in-house purposes on each of the lots. Furthermore, the Replacement Plan requires the Applicants, or their successors, to report annual water use to both the Ground Water Commission and the Upper Black Squirrel Creek Ground Water Management District, including the 0.18 acre-feet per lot of return flows occurring from use of the wells operating under the Replacement Plan.

The Land Development Code also states that “the quantity of groundwater may not exceed the quantity of groundwater allocated by permits or determinations approved by the Colorado Groundwater Commission.” Land Development Code §8.4.7(B)(9)(c)(i). Accordingly, all quantities of water synopsisized in the Water Resources Report and Water Supply Summary for the Treasured Acres Filing No. 1 Minor Subdivision are consistent with, and imitate, the quantities of water as delineated in the Replacement Plan – Determination No. 3668-BD.

Thank you for your consideration, please don’t hesitate to contact us with any additional questions or concerns pertaining to water supply for the Treasured Acres Filing No. 1 Minor Subdivision project.

Sincerely,

MONSON, CUMMINS & SHOHEE, LLC



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Emilie B. Polley