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April 20, 2021

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

*Re: Comments received from El Paso County for McGehee Minor Subdivision –
Mountain Shadow Vacate and Replat*

Dear Mr. Green:

Our firm represents Dale, Stephanie, and Collier McGehee, applicants of the McGehee Minor Subdivision, also referred to as the Mountain Shadow Vacate and Replat project. The McGehees received comments on the Water Supply Information Summary and the Water Quality Report. Please find responses to each of the comments below.

Water Supply Information Summary

1. *Comment: "County requires presumptive values of 0.26 acre-feet per year for single family dwellings. Estimated demand is below minimum threshold"*

The presumptive 0.26 value does not apply where there is another 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

* Also licensed in Wyoming



in the decree of Water Court, Division 2, in Case No. 17CW3054. The Land Development Code also states that all quantities of water shall originate from “court decrees for water rights.” Land Development Code §8.4.7(B)(9)(a)(ii). Accordingly, all quantities of water synopsisized in the revised Water Supply Information Summary, Water Quality Report, and Water Resources Report are consistent with, and imitate, the quantities of water as delineated in the 17CW3054 decree.

2. *Comment: “Presumptive values are 0.0566 af for landscaping, totaling 0.74 acre feet per year”*

The values in estimated water requirements have been revised in the attached WSIS to reflect this presumptive value.

Water Quality Report

1. *Comment: “This is not a Water Quality report with analysis of trace elements and suitability for domestic use. This is a Water Resources Report. Please upload a completed Water Quality report for the neighborhood well previously tested pursuant to Section 8.4 of the Land Development Code”*

The submitted Water Quality Report is an executive summary explaining the quality of provided by the existing well. Section III of the report specifically addresses relevant provisions of the Land Development Code §8.4.7(B)(10)(a)-(h) pertaining to a finding of sufficient water quality.

2. *Comment: “8.4.7(B)7(d), presumptive use values for single family dwellings are 0.26 acres. Finding of sufficiency does not meet minimum presumptive use threshold.”*

As stated in the response to comments for the Water Supply Information Summary, this amount does not apply where a decreed augmentation plan exists for the property.

3. *Comment: “Summary mentions restricting livestock to 4 head. Why and how would that restriction be enforced when the RR-5 zoning district does not have that restriction?”*

The livestock restriction is a term and condition of the augmentation plan decreed in Case No. 17CW3054. Exceeding this amount would violate the augmentation plan as decreed by the Water Court, Division 2 and is therefore enforced through the provisions of the decree.

4. *Comment: "Full Water Resource Report not included"*

A separate Water Resources Report was uploaded on the EDARP system project page on January 27, 2021, and has also been included with these comments.

5. *Comment: "No mention of Irrigation Usage or calculations"*

Irrigation usages are included within the Report, with more specific calculations defined in the Water Supply Information Summary, consistent with the augmentation plan decreed in Case No. 17CW3054.

Please don't hesitate to contact us with any additional questions or concerns pertaining to water supply for the McGehee Minor Subdivision -- Mountain Shadow Vacate and Replat project.

Sincerely,

MONSON, CUMMINS & SHOHET, LLC

Emilie B. Polley

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