



June 4, 2026

Ryan Burns
1004 W Van Buren Street
Colorado Springs, CO 80907

When replying, please refer to:
Antler Range Filing No. 1 Pond A Dam
DAMID 100672
WDID 1003425
Non-Jurisdictional
Water Division 2, Water District 10

Subject: Signed Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure

Dear Mr. Burns,

Our office is in receipt of a Notice of Intent (NOI) to Construct a Non-Jurisdictional Water Impoundment Structure for the subject dam. The closest creek to the facility is tributary to Black Squirrel Creek, tributary to Chico Creek, tributary to the Arkansas River, with the filling source to be Stormwater for Temporary Detention. Additionally, this structure is located within the Upper Black Squirrel Creek Designated Ground Water Basin (“UBSC Basin”). Designated Groundwater Basins (“Designated Basins”) are specific legal regions in areas with very little surface water, where water users rely primarily on groundwater as their source of water supply. The Colorado Ground Water Commission (“Commission”), within the CO Division of Water Resources, is the regulatory and adjudicatory body responsible for managing and controlling groundwater resources within the Designated Basins.

The Division Engineer and Dam Safety team oversee the NOIs and the construction and administration of the resulting impoundment structures, and coordinate with the Commission to ensure the groundwater resources in the Designated Basins are protected. Any unauthorized impoundment of surface flows or groundwater will be addressed by the Commission.

In accordance with Rule 11.1 of the Colorado Rules and Regulations for Dam Safety and Dam Construction, the hazard of this dam has been assessed as Low based on the construction drawing plans submitted with the NOI. A copy of the signed NOI is attached. An electronic copy will be maintained with the Division of Water Resources.

The stormwater detention structure proposed is within the UBSC Basin. Rule 5.11 of the Rules and Regulations for the Management and Control of Designated Ground Water (“Commission Rules”) addresses stormwater detention and infiltration facilities in Designated Basins. If this impoundment structure is part of a qualifying Storm Water Detention and Infiltration Facility, as defined under the Commission Rule, the storm water detention facility must be developed to standards outlined in Commission Rule 5.11. This requires, in part, that the storm water detention facility:

- Continuously release or infiltrate at least ninety-seven percent of all of the water from a rainfall event that is equal to or less than a five-year storm within seventy-two (72) hours after the end of the rainfall event;



- Continuously release or infiltrate all of the water from a rainfall event greater than a five-year storm as quickly as practicable, but in all cases, release or infiltrate at least ninety-nine percent of all of the water from the rainfall event within one hundred twenty (120) hours after the end of the rainfall event;
- Operate passively, and the stormwater runoff will not be subject to any active treatment process.

Currently the time to drain 97% of the inflow volume of a 5-year storm is 66 hours and the time to drain 99% of the inflow volume of a 100-year storm is 66 hours and both drain times meet the requirements of Rule 5.11).

The alluvial water table of the Upper Black Squirrel Creek Designated Groundwater Basin is in close proximity to the surface. In the event groundwater is encountered during construction at the subject site, the excavations must be backfilled to a point where groundwater is no longer exposed at the surface until such time as you have received approval from the Commission for a large capacity well permit and Replacement Plan (to offset evaporative depletions to the groundwater aquifers), or the pond is lined in accordance with the document, "State Engineer Guidelines for Lining Criteria for Gravel Pits," dated August 1999.

The requirements and recommendations provided herein are based on our review of the safety and water administration aspects of the proposed dam and the information provided in the submitted NOI. These requirements and recommendations create no liability for the State of Colorado should the dam fail for any reason. Please be aware that it is in the owner's best interest to construct, operate, and maintain the structure in a safe manner, as he or she may be held liable in civil court for any downstream damages resulting from failure of the dam. A copy of Specifications for Construction of Non-Jurisdictional Dams is provided to assist you in the construction of a sound structure.

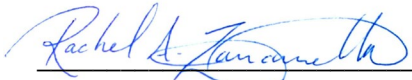
Finally, please be aware of any other permitting or regulatory requirements associated with the construction of a water impoundment structure, including but not limited to county and/or municipal regulations, and wetland permitting through the U.S. Army Corps of Engineers (see www.usace.army.mil for regional contact information). Note - Any work that is performed in a designated flood plain in that area may also require approval by the Pikes Peak Regional Building Dept. (www.pprbd.org), in coordination with El Paso County (www.elpasoco.com/stormwater).

The plans reviewed in this determination are submitted as part of the Developmental Approval process. Prior to the operation of this structure, please provide notice of completion of construction and as-constructed plans in PDF form, including as-constructed Stormwater Detention and Infiltration Data Sheet. **Please note**, pursuant to Commission Rule 5.11.5, *an entity that owns, operates, or has oversight for a storm water detention and infiltration facility constructed after January 14, 2020 shall, prior to operation of the facility: 1) publish notice of the location and approximate surface area at design volume of the facility and a statement confirming that the facility has been designed to comply with Rules 5.11.1 and 5.11.3, in a newspaper of general circulation in each of the counties in which the facility is located, once each week for two successive weeks, at the entity's expense; and 2) provide notice of the location and approximate surface area at design volume of the facility and the data that demonstrates that the facility has been designed to comply with Rules 5.11.1 and 5.11.3, to all parties on the Designated Basins Publications Notification List maintained by the Division of Water Resources.*

If you have any questions regarding this approval that are specific to the NOI and Non-Jurisdictional Impoundment Structure, please contact Dam Safety Engineer, Brian McCormick, at (719)-227-5294, or via email to brian.mccormick@state.co.us. If you have questions that are specific to Commission-

related matters (e.g., storm water detention facilities in Designated Basins), please contact the Chief of Water Supply for Designated Basins, Javier Vargas-Johnson, at 303-866-3581 ext. 8265 or via email at javier.vargasjohnson@state.co.us, or Water Commissioner Chris Grimes, at 303-866-3581 ext. 8253 or via email to chris.grimes@state.co.us.

Sincerely,



Rachel A. Zancanella, P.E.
Division Engineer, Division 2

Enc:

Signed Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure
Specifications for Construction of Non-Jurisdictional Dams
Commission Rule 5.11

Ec:

Brian McCormick, P.E., Dam Safety Engineer
Katie Dalsaso, District 10 Water Commissioner
Javier Vargas-Johnson, Chief of Water Supply - Des Basins
Chris Grimes, Commission Staff
El Paso County, StormWater@elpaso.co
Laserfiche File



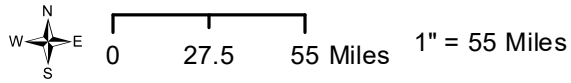
Table 1 DAM SAFETY BRANCH Spillway Sizing Guidelines for Non-Jurisdictional Dams

Drainage Area (Acres)	Minimum Recommended Bottom Width ¹ (Feet) Low Intensity Rainfall Zone	Minimum Recommended Bottom Width ¹ (Feet) High Intensity Rainfall Zone
175	8	8
225	8	10
275	8	12
325	8	15
375	10	17
425	11	19
475	12	21
525	13	24
575	15	26
625	16	28
675	17	30
725	19	33
775	20	35
825	21	37
875	22	39
925	24	42
975	25	44
1025	26	46
1075	28	48
1125	29	51
1175	30	53
1225	31	55
1275	33	57
1325	34	59
1375	35	62
1425	37	64
1475	38	66

¹Minimum recommended bottom width for drainage areas less than 175 acres is 8 feet



Spillway Section



Map Key - - - - - Rainfall Divide Line



COLORADO
 Division of Water Resources
 Department of Natural Resources

Rainfall Intensity Zones for Non-Jurisdictional Dam Spillway Sizing



DAM SAFETY BRANCH Specifications for Construction of Non-Jurisdictional Dams

- Site Selection:
 - Foundation soils should be firm to provide adequate support for the embankment and should have low permeability to allow for water retention. Site selection should consider potential downstream property damage in the event of a dam failure. Construction of dams in boggy areas, areas with non-uniform fractured rock, or sands/gravels is not recommended and an engineer should be hired to evaluate the site conditions. Any part of the reservoir basin excavated below grade cannot expose groundwater.
- Embankment Design:
 - Backfill material to be used for construction of the cutoff trench and embankment should be a suitable clay material and contain no material larger than 6 inches in diameter.
 - The upstream slope should be constructed with a slope no steeper than 3:1, and the downstream slope should be no steeper than 2:1 (see cross section below). The dam crest should have a minimum width of 10 feet and the surface should be graded with positive drainage toward the reservoir basin.
 - It is recommended that rock rip rap or other suitable material be placed on the upstream slope of the embankment to protect it from wave action. A suitable gravel or geosynthetic material should be placed under the rip rap to prevent fine material from washing out from behind the larger rock.
 - The embankment should be fenced to restrict livestock from accessing the dam since they damage the protective vegetation and increase erosion.
- Embankment Construction
 - The topsoil and all organic material should be removed from the foundation of the proposed dam site. Organic soil should only be reused for placement on the completed embankment to promote the re-growth of vegetation.
 - A cutoff trench should be excavated under the full length of the centerline of the dam with sloping sides (1:1 min.), a minimum bottom width of 3 feet and a depth of 3 feet.
 - The foundation of the dam should be scarified/ripped to a depth of 6-inches to provide proper contact between the native foundation and embankment. This surface should then be moisture treated before placement of fill.
 - Fill material should be placed in layers not exceeding 12 inches in thickness prior to compaction. Suitable backfill material should have enough clay and moisture content to roll a small ball by hand. If this cannot be done, the soil is likely too dry or does not have adequate clay content.
 - Each lift should be thoroughly compacted using a sheeps foot compactor. Care should be taken not to allow the top layers of the soil to dry out between placement of lifts.
 - Fill should be placed in uniform lifts that cover the entire embankment length and width.
- Outlet
 - Unless a waiver is granted in writing by the Division Engineer, all non-jurisdictional dams require an outlet conduit positioned at the natural low point of the reservoir basin. A minimum diameter of 12 inches is recommended and should be controlled at the upstream end by a valve and trash rack.
- Emergency Spillway
 - The spillway should have sufficient width to provide capacity to route the runoff from the drainage basin above the dam during rainfall/runoff events.
 - The emergency spillway should be located on natural ground far enough away to prevent erosion of the dam embankment. A spillway over the dam embankment is not acceptable.
 - A minimum of 3 feet of freeboard is required from the bottom of the emergency spillway to the top of the dam.
 - To determine the minimum spillway width, see the attached table for your area and drainage basin size.
- Example Plan View and Cross Section

