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Gabe Sevigny, Project Manager  
El Paso County Planning and Community Development Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
[gabesevigny@elpasoco.com](mailto:gabesevigny@elpasoco.com)

Re: Jackson Creek Kennel's Special Use Permit Application for Kennel and Boarding Facility

Dear Mr. Sevigny:

This firm represents the Upper Black Squirrel Creek Ground Water Management District ("the UBS District"), a formed and operating ground water management district with the powers enumerated in the Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et seq.* The UBS District has reviewed the application submitted by Jackson Creek Kennel seeking a special use permit to allow for the boarding and breeding of more than four dogs, as well as the information provided in support thereof. Based upon its understanding of Jackson Creek Kennel's application, the UBS District provides the following comments.

Jackson Creek Kennel's application materials state only that the applicants "own the Water Rights" to the acreage in question and provide no further detail regarding such rights. Upon information and belief, water is supplied to this property via the well bearing Permit No. 257200, a small capacity well permitted pursuant to C.R.S. § 37-90-105 that is limited to domestic uses inside two single family dwellings and the watering of the owner's non-commercial domestic animals. However, the operation of the kennel as proposed constitutes a commercial business under C.R.S. § 37-90-105(1)(c)(II). Under that section, a small capacity well may be used to supply water to a commercial business, if that business meets certain qualifications. Notably, such a business must be operated by the well owner; have its own books, bank accounts, and tax returns; and maintain its individual assets. Thus, Jackson Creek Kennel must change the use of this well to include commercial uses in order to supply water to the kennel. Moreover, District Rule 3(b)(ii)(5) further restricts the use of commercial small capacity wells to one acre-foot per year.

In the alternative, Jackson Creek Kennel may seek to re-permit the well pursuant to C.R.S. § 37-90-107 and in compliance with District Rule 19, which provides for the use of large capacity wells for commercial purposes. Rule 19 requires that withdrawals from large capacity

commercial wells be limited to the “amount reasonably necessary to supply the present and future needs of the proposed Commercial Business, as established by the Board of Directors of the District in consultation with the Colorado Ground Water Commission.” Moreover, both District Rule 19(B) and Rule 21 require that large capacity wells be equipped with totalizing flow meters, and the well owner must report the meter reading to the District monthly, keep accurate records of withdrawals, and provide those records to the District upon request.

Additionally, comments from the El Paso County Public Health Department indicate that a permitted on-site wastewater treatment system (OWTS) was approved for a three-bedroom residence on this parcel. Because of the potential for contamination of the UBS Basin’s alluvial aquifer, the UBS District requests that all discharges from the system comply with the state’s Water Quality Control Commission’s water quality standards. Moreover, the UBS District agrees with the El Paso County Public Health Department’s comment that all components of the OWTS must be protected from vehicular traffic and other means of compaction. Because of the kennel’s commercial operation, the property may experience increased vehicular traffic, thereby increasing the risk to the OWTS components. Additionally, The UBS District has enacted a policy in which it “encourages the use[] of central (municipal) water and wastewater systems, as opposed to the use of individual wells and septic systems . . . in order to minimize the possibility of contamination of the alluvial aquifer and to protect the already over-appropriated ground water resources of the Upper Black Squirrel Creek Designated Ground Water Basin.” As such, the District strongly encourages that the applicant connect to the municipal water and wastewater systems to prevent contamination of the aquifer.

The UBS District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Sincerely,



Lisa M. Thompson  
for  
TROUT RALEY

cc: UBSCGWMD Board of Directors