

Nina Ruiz

From: Cole Emmons
Sent: Thursday, June 14, 2018 12:49 PM
To: Douglas Stimple (DouglasS@classichomes.com); ahill@hillpollock.com
Cc: Amy Folsom; Edith Anderson; Craig Dossey; Nina Ruiz; Mike Hrebenar
Subject: Flying Horse North Water Reply to Applicant's 6/12/18 Response

Categories: Red Category

Doug and Alan:

Thank you for sending your June 12 response to my request for clarification and concerns dated June 7. I have now also received the e-mail and information you sent earlier this morning, but have not had an opportunity to review the attached documents. The information you have provided help me to better understand how the proposed water supply and demands for Flying Horse North will work, and are more helpful than a meeting.

Water Supply

Alan, your letter and additional summary are particularly helpful. You adequately address the 3 general concerns that I had summarized in my transmittal e-mail. Based on your explanation and Curt Wells' Report, I see now how the common area irrigation is included in the 198 AF/YR calculation. I assume the 27.8 AF/YR amount for common area irrigation is the figure that we will need to use rather than the 28.06 AF/YR referenced in your 3/15/18 letter.

Regarding the proposed easement from Lazy H to the HOA, I suggest that you will want to include access to the area for the well if that area is not adjacent to a road and a path from the well to the wash where post-pumping depletions will be routed.

Regarding the Lazy H LFH water, based on the e-mail today, I now see, Alan, that you have further clarified that all of this water will go to the HOA rather than 208 AF/YR going to the Golf Club.

Alan, you have referred to two decrees that have not been finalized and approved by the Water court--17CW3209 to allow Dawson water to be used for watering horses, and an augmentation decree to use the Denver aquifer water for the balance of the golf course water. I do not recall that I have ever recommended approval for a final plat before having the Decree signed by the Water Judge. I understand that the plan is to use Arapahoe water first (roughly for the first 100 years) and then use Denver water sometime after year 100. You are proposing a condition that allows 5 years to get the augmentation decree approved. I have to do a finding of sufficiency now for 300 years of supply—not just for 100 or so years as to the golf course water. I am not sure whether the SEO will be willing to make a sufficiency/no injury finding without signed decrees, but that will be up to them. For the County's purposes, I am thinking I may be able to address in my water review the fact that the decrees are not final by recommending a finding of conditional sufficiency to be made full sufficiency upon approval of the respective decrees by the Water Court. The Planning Commission and BoCC would need to decide if they were okay with such a conditional finding.

Water Assignments, Deeds and Escrow Agreement

Based on my review of the Assignments of reversionary Interests and form Deeds you provided on June 12, they need some minor revisions and corrections, which I will provide to you hopefully by the end of the week. I will compare those to what you sent today.

As a heads up, the proposed Escrow Agreement to address dependability concerns raised by the use of leased water needs extensive revisions. I will provide a redline to both of you and to Lee Jolivet hopefully next week.

Water Supply Information Summary Form

This form has always been required by both the State Engineer and the County's LDC for all subdivisions with a water supply. It needs to include all of the water that will be used for the Flying Horse North subdivision to include amounts for the following:

- In-house use
- On-lot irrigation
- Watering horses
- Common area irrigation
- Golf course water—clubhouse and irrigation

Please advise if you have questions or need additional information.

Regards,
Cole

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