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Re: Grandview Reserve 1041 Application

Dear Ms. Parsons:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the UBS District”). On June 30, 2020, September 17, 2020, November 25, 2020, April 8, 2021, June 17, 2021, September 27, 2021, and January 10, 2022, the UBS District submitted comment letters raising several concerns over water and wastewater service for the proposed Grandview Reserve subdivision development. In this application, Applicant requests a 1041 permit from the County for a water distribution and treatment system. In addition to the comments the UBS District raised previously, the UBS District continues to raise its concern with Applicant’s proposed water supply. Specifically, Applicant has not provided adequate evidence demonstrating proof of ownership or control over the water supplies it proposes to use for the development. The UBS District further explains this concern below:

Water Service

Applicant estimates that Grandview Reserve will require 1,179 acre-feet per year. *See* Water Resources Report at Table 1a. Applicant intends to meet this demand through water service provided by Grandview Reserve Metropolitan District (“GRMD”). Applicant states that GRMD,

in turn, will source its water from future wells drilled in the Arapahoe and Laramie Fox-Hills aquifers under groundwater determinations 510-BD and 511-BD. Portions of these groundwater determinations, Applicant claims, are available to the GRMD or neighboring Four-Way Ranch Metro District sufficient to meet Grandview Reserve's demands. Applicant acknowledges, however, that GRMD does not currently own or control these water rights in 510-BD or 511-BD. *See* Water Resources Report at Ex. 4. In Exhibit 4 of the Water Resources Report, Applicant's counsel addresses the previous water sufficiency finding of the Colorado Division of Water Resources ("DWR"), which concluded that "the water rights owned or controlled by GRMD, and therefore the total available supply to GRMD, . . . are not clear." *See* Letter from Keith Vander Horst to Kari Parsons (Sep. 16, 2021). Applicant's counsel states that GRMD will obtain a transfer of ownership over these water rights after it is legally formed as a metropolitan district. *See* Water Resources Report at Ex. 4. Applicant's counsel also states that Applicant is in the process of changing determinations 510-BD and 511-BD to be used by GRMD. Therefore, Applicant's has not demonstrated control or ownership over its proposed water supply.

The latest water sufficiency finding of DWR re-affirms this conclusion. *See* Letter from Joanna Williams to Kari Parsons (Jan. 3, 2022). That letter concluded that DWR "has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply." *Id.* at 2. The letter requests a complete summary of the water rights held by GRMD and evidence of ownership and control of those rights. The UBS District agrees with DWR. Without this evidence, Applicant has not demonstrated sufficient water will be available to meet the development's demand.

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,



Mirko L. Kruse
for
TROUT RALEY

cc: UBSCGWMD Board of Directors