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El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Waterbury Filing No. 1

El Paso County Planning and Community Development Department:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (the "UBSC 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 UBSC District has reviewed the Waterbury Filing No. 1 (the "Project") submitted by William Guman & Associates, Ltd. ("Applicant") for approval of a final plat and construction drawings for Filing No. 1 of the Waterbury subdivision, requesting 198 single-family lots on 61.9 acres and provides the following comments for your review and consideration:

1. Management and Use of Designated Groundwater.

The Colorado Ground Water Management Act of 1965, C.R.S. § 37-90-101 *et seq.*, created the Colorado Ground Water Commission ("Commission") and provided for the formation of groundwater management districts within designated basins. Together, the Commission and the local groundwater management district administer designated groundwater in a coordinated manner.

Under the 1965 Act, the Commission, not the water court, has jurisdiction to determine the right to withdraw designated groundwater. The Commission has promulgated rules and regulations, the "Designated Basin Rules," 2 CCR 410-1, for the management and control of designated groundwater and are binding on all users of designated groundwater. Groundwater management districts may also establish rules for the management and control of designated groundwater that are applicable to the withdrawal and use of designated groundwater. For example, within the boundaries of a groundwater management district, the district has the authority to administer designated groundwater priorities, issue curtailment orders, and further limit withdrawals.

The UBSC District is a groundwater management district formed and operating under the Colorado Ground Water Management Act. Pursuant to its statutory authority, the UBSC District has established rules, regulations, and policies, available to view on the UBSC

District's website.¹ Applicant should review all UBSC District rules, regulations, and policies. *Applicant is responsible for complying with all UBSC District Rules and Regulations.*

2. Replacement Plan May Be Required.

Shallow groundwater exists throughout much of the UBSC Basin, including the area underlying this proposed development. Applicant should investigate the existence of shallow groundwater under each proposed lot. Structures developed in areas with high groundwater often utilize underdrains to capture and drain water that would otherwise flood those structures. Under the Ground Water Commission's Designated Basin Rules, underdrains are considered large capacity wells and require a large capacity well permit. Any such large capacity well permit will require a replacement plan that meets the requirements of Designated Basin Rule 5.6, including by replacing evaporation and evapotranspiration associated with the exposure of groundwater caused by the underdrain.

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

Respectfully,



Lucas O'Brien
for
TROUT RALEY

¹UBSC District, *Rules, Regulations and Statement of Policy*, https://upperblacksquirrelcreekwater.com/reg_rules.php.