



**COLORADO**  
**Division of Water Resources**

Department of Natural Resources  
Water Division 2 - Main Office

January 24, 2022

Araco Enterprises, LLC  
Asturo Acosta  
7470 Southmoor Dr.  
Fountain, CO 80817

When replying, please refer to:  
Araco Detention Basin A1  
Non-Jurisdictional Detention Pond NOI  
Water Division 2, Water District 10

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

Dear Mr. Acosta,

Our office is in receipt of a Notice of Intent (NOI) to Construct a Non-Jurisdictional Water Impoundment Structure for the subject dam. The impoundment is to be located adjacent to Fountain Creek, tributary to the Arkansas River, with the filling source to be Stormwater for Temporary Detention.

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.

Please note the following:

- This structure must be designed and constructed to standards outlined in 37-92-602(8) for stormwater detention facilities.
- Because this structure is located on a tributary to Fountain Creek, the structure can only operate pursuant a Colorado Discharge Permit System Municipal, Separate Storm Sewer System Permit issued by the Department of Public Health and Environment Pursuant to Article 8 of Title 25, C.R.S.
- In the event groundwater is encountered during construction of the pond, the pond must be backfilled so as not to expose groundwater until such time as: 1) a well permit has been obtained for the groundwater pond pursuant to CRS §37-90-137, or 2) 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



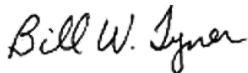
Colorado should the dam fail for any reason. Please be aware that it is in the owner's best interest to construct, operate, and maintain the structure in a safe manner, as he or she may be held liable in civil court for any downstream damages resulting from failure of the dam. A copy of Specifications 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](http://www.usace.army.mil) for regional contact information).

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. Additionally, prior to the operation of this structure, notice must be provided pursuant to 37-92-602(8)(d) to the substitute water supply plan notification list maintained by the state engineer pursuant to section 37-92-308 (6) for the water division in which the facility is located.

If you have any questions regarding this approval, please contact Water Commissioner, Doug Hollister, at (719) 227-5291 or via email to [doug.hollister@state.co.us](mailto:doug.hollister@state.co.us), or Dam Safety Engineer, John Hunyadi, at (719)-227-5294, or via email to [john.hunyadi@state.co.us](mailto:john.hunyadi@state.co.us),

Sincerely,



Bill W. Tyner, 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  
Completion of Construction Form

Ec:

John Hunyadi, P.E., Dam Safety Engineer  
Doug Hollister, District 10 Water Commissioner  
Jacob Olson, District 10 Deputy Water Commissioner  
John P Schwab, JPS Engineering - Design Engineer - [John@jpsengr.com](mailto:John@jpsengr.com)  
Laserfiche File



## COMPLETION OF CONSTRUCTION

DAM ID. \_\_\_\_\_

Upon the completion of the COLORADO SPRINGS MAYBERRY DETENTION POND C1,  
Subject of the Notice of Intent to Construct a Non-Jurisdictional Dam under the  
Receipt above, location in Sec. 24 Twp. 15 S Rng. 66 W; UTM  
NAD83, 13S Northing 4286357, Easting 523784.

Indicate in the blank at the bottom of this form, the date of completion of  
construction and return to:

Colorado Division of Water Resources  
Division 2  
310 East Abriendo Ave, Suite B  
Pueblo, CO 81004

Date of Completion: \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date



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Water Division 2 - Main Office

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Water Division 2, Water District 10

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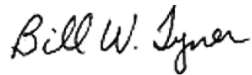
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Division 2  
310 East Abriendo Ave, Suite B  
Pueblo, CO 81004

Date of Completion: \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date