



Montaño • Freeman • Sinor • Thompson P.C.

Mirko L. Kruse, Esq.  
mkruse@troutlaw.com  
303.339.5825

1120 Lincoln Street • Suite 1600  
Denver, Colorado 80203-2141  
303.861.1963  
www.troutlaw.com

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John Green  
El Paso County Planning and Community Development Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
johnngreen@elpasoco.com

Brian Warner  
17350 W Goshawk Rd.  
Colorado Springs, CO 80908  
Jbwarner5@gmail.com

Forsgren Associations, LLC  
56 Inverness Dr. East Suite 112  
Englewood, CO 80112  
cburba@forsgren.com

Re: Warner – Minor Subdivision

Dear Mr. Green:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the District”). Applicant, Forsgren Associates Inc., on behalf of Brian Warner, provided materials in support of its application for a Minor Subdivision. The Warners’ property consists of a 40 acre parcel zoned RR-5 located in the Northeast ¼ of the Northwest ¼ of Section 23, Township 11 South, Range 65 West, of the 6<sup>th</sup> P.M. The 40 acre property will be subdivided to create a four-lot minor subdivision. Lots 1 and 2 are vacant and will be 5-acres each; Lot 3 has an existing home with a well completed in the Dawson aquifer and an individual non-evaporative septic system and leach field and will be 19.96 acres; and Lot 4 is vacant and will be 10.0 acres. The property is located outside, but near, the District’s boundaries. The District reviewed the Applicant’s application materials and submits the following comments:

*Water Supply and Adequacy of Replacement Plan*

According to Applicant’s Water Resources Report, Applicant’s proposed minor subdivision will obtain its water supply from Denver Basin wells pursuant to four Determinations of Water Rights in the Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers. *See Water*

*Resources and Wastewater Report* at 2. Applicant also relies on a replacement plan for withdrawals from the Dawson aquifer under Replacement Plan No. 4025-RP, issued on October 22, 2020. *Id.* at App'x. Although Applicant's wells are located within the Kiowa-Bijou Designated Ground Water Basin, this replacement plan identifies that withdrawals will also cause depletions to the Upper Black Squirrel Creek alluvial aquifer. *See id.* at App'x, Replacement Plan No. 4025-RP, ¶ 3. However, under Applicants' replacement plan, replacement water sourced from septic return flows appear to only accrue to the Kiowa-Bijou Designated Ground Water Basin; not the Upper Black Squirrel alluvial aquifer. *See id.* at App'x, Replacement Plan No. 4025-RP, ¶ 10. Without a source of replacement water to the Upper Black Squirrel alluvial aquifer, Applicant's replacement plan may be insufficient to replace its depletions to this highly over-appropriated aquifer. Applicant should be required to submit additional evidence that replacement to the Upper Black Squirrel Creek alluvial aquifer will be provided including details on the time, location, and amount of such replacement supplies.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mirko L. Kruse', written in a cursive style.

Mirko L. Kruse  
for  
TROUT RALEY

cc: UBSCGWMD Board of Directors