



COLORADO

Division of Water Resources

Department of Natural Resources
Water Division 2 - Main Office

August 13, 2026

Jeff Mark - Babcock Land Corporation
212 N. Wahsatch Ave, Suite 301
Colorado Springs, CO 80903
jmark@landhuisco.com

When replying, please refer to:

Falcon Reserve Pond 1
DAMID 100681
WDID 1013674

Falcon Reserve Pond 2
DAMID 100682
WDID 1013675

Falcon Reserve Pond 3
DAMID 100683
WDID 1013678

Non-Jurisdictional
Water Division 2, Water District 10

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

Dear Mr. Mark,

Our office is in receipt of a Notice of Intent (NOI) to Construct three Non-Jurisdictional Water Impoundment Structures for the subject dams. The closest creek to the facility is tributary to Black Squirrel Creek, tributary to Chico Creek, tributary to the Arkansas River, with the filling source to be Stormwater for Temporary Detention. Additionally, this structure is located within the Upper Black Squirrel Creek Designated Ground Water Basin ("UBSC Basin"). Designated Groundwater Basins ("Designated Basins") are specific legal regions in areas with very little surface water, where water users rely primarily on groundwater as their source of water supply. The Colorado Ground Water Commission ("Commission"), within the CO Division of Water Resources, is the regulatory and adjudicatory body responsible for managing and controlling groundwater resources within the Designated Basins.

The Division Engineer and Dam Safety team oversee the NOIs and the construction and administration of the resulting impoundment structures, and coordinate with the Commission to ensure the groundwater resources in the Designated Basins are protected. Any unauthorized impoundment of surface flows or groundwater will be addressed by the Commission.

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.

The stormwater detention structure proposed is within the UBSC Basin. Rule 5.11 of the Rules and Regulations for the Management and Control of Designated Ground Water ("Commission Rules") addresses stormwater detention and infiltration facilities in Designated Basins. If this impoundment structure is part of a qualifying Storm Water Detention and Infiltration Facility, as defined under the Commission Rule, the storm water detention facility must be developed to standards outlined in Commission Rule 5.11. This requires, in part, that the storm water detention facility:

- Continuously release or infiltrate at least ninety-seven percent of all of the water from a rainfall event that is equal to or less than a five-year storm within seventy-two (72) hours after the end of the rainfall event;
- Continuously release or infiltrate all of the water from a rainfall event greater than a five-year storm as quickly as practicable, but in all cases, release or infiltrate at least ninety-nine percent of all of the water from the rainfall event within one hundred twenty (120) hours after the end of the rainfall event;
- Operate passively, and the stormwater runoff will not be subject to any active treatment process.

The proposed impoundment structure's (Falcon Reserve Pond 1) time to drain 97% of the inflow volume of a 5-year storm is 68 hours, and the time to drain 99% of the inflow volume of a 100-year storm is 68 hours; therefore, both drain times would meet the requirements of Commission Rule 5.11.

The proposed impoundment structure's (Falcon Reserve Pond 2) time to drain 97% of the inflow volume of a 5-year storm is 68 hours, and the time to drain 99% of the inflow volume of a 100-year storm is 69 hours; therefore, both drain times would meet the requirements of Commission Rule 5.11.

The proposed impoundment structure's (Falcon Reserve Pond 3) time to drain 97% of the inflow volume of a 5-year storm is 72 hours, and the time to drain 99% of the inflow volume of a 100-year storm is 73 hours; therefore, both drain times would meet the requirements of Commission Rule 5.11.

The alluvial water table of the Upper Black Squirrel Creek Designated Groundwater Basin is in close proximity to the surface. In the event groundwater is encountered during construction at the subject site, the excavations must be backfilled to a point where groundwater is no longer exposed at the surface until such time as you have received approval from the Commission for a large capacity well permit and Replacement Plan (to offset evaporative depletions to the groundwater aquifers), or 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

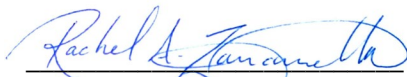
copy of Specifications for Construction of Non-Jurisdictional Dams is provided to assist you in the construction of a sound structure.

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 for regional contact information). Note - Any work that is performed in a designated flood plain in that area may also require approval from the Pikes Peak Regional Building Dept. (www.pprbd.org), in coordination with El Paso County (www.elpasoco.com/stormwater).

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. **Please note**, pursuant to Commission Rule 5.11.5, *an entity that owns, operates, or has oversight for a storm water detention and infiltration facility constructed after January 14, 2020 shall, prior to operation of the facility: 1) publish notice of the location and approximate surface area at design volume of the facility and a statement confirming that the facility has been designed to comply with Rules 5.11.1 and 5.11.3, in a newspaper of general circulation in each of the counties in which the facility is located, once each week for two successive weeks, at the entity's expense; and 2) provide notice of the location and approximate surface area at design volume of the facility and the data that demonstrates that the facility has been designed to comply with Rules 5.11.1 and 5.11.3, to all parties on the Designated Basins Publications Notification List maintained by the Division of Water Resources.*

If you have any questions regarding this approval that are specific to the NOI and Non-Jurisdictional Impoundment Structure, please contact Dam Safety Engineer, Brian McCormick, at (719)-227-5294, or via email to brian.mccormick@state.co.us. If you have questions that are specific to Commission-related matters (e.g., storm water detention facilities in Designated Basins), please contact the Chief of Water Supply for Designated Basins, Javier Vargas-Johnson, at 303-866-3581 ext. 8265 or via email at javier.vargasjohnson@state.co.us, or Water Commissioner Chris Grimes, at 303-866-3581 ext. 8253 or via email to chris.grimes@state.co.us.

Sincerely,



Rachel A. Zancanetta, 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
Commission Rule 5.11

Ec:

Brian McCormick, P.E., Dam Safety Engineer
Katie Dalsaso, District 10 Water Commissioner
Javier Vargas-Johnson, Chief of Water Supply - Des Basins
Chris Grimes, Commission Staff
El Paso County, StormWater@elpaso.com
Georgianne Willard, M&S Civil Consultants, Inc.
Laserfiche File