



February 17, 2026

Ryan Howser

El Paso County Development Services Department

Transmission via email: ryanhowser@elpasoco.com

RE: Flying Horse North - PUD/SP Amendment (Filing 6-8) 2nd Letter
File No. PUDSP252
Portions of Section 30 and 31, T11S, R65W
Portions of Sections 34, 35, and 36, T11S, R66W
Water Division 1, Water District 8

Dear Ryan Howser:

We have reviewed the additional information provided on February 13, 2026 concerning the above-mentioned proposed PUD/SP Amendment for Filing 6-8 within the Flying Horse North PUD development.

Our office previously provided comments on this proposed Amendment in a letter dated February 10, 2026. The comments outlined in this letter supersede those previously provided.

Our office also provided comments on the Flying Horse North Preliminary Plan (SF-17-012) in letters dated January 17, 2018, May 17, 2018, July 3, 2018, September 19, 2018, May 28, 2025, and November 24, 2025. According to the information previously received by this office, the Flying Horse North development was approved for 283 single-family residential lots, 324.1 acres of open space comprised of a golf course, and a park on a 1,417.8-acre parcel.



According to the additional information provided on February 13, 2026, this amendment to the Flying Horse North development seeks to add an additional 16 single-family residential lots to the project, for a total of 299 lots. The proposed increase in the number of lots and additional acreage for the development will occur in Filing 6-8, which is now anticipated to include 98 lots.

Water Supply Demand

An updated Water Supply Information Summary Sheet (“Summary Sheet”) and Water Resource Report (“Report”) were provided on February 13, 2026. According to the Summary Sheet and Report, the water demands for the subdivision are 0.7 acre-feet/year/lot for domestic and irrigation use, 43.15 acre-feet/year for irrigation of the park, 164.70 acre-feet/year for irrigation of the golf course, and 5.32 acre-feet/year for the golf course clubhouse. The total demand for the entire 299 lot subdivision is estimated to be 422.47 acre-feet per year.

Source of Water Supply

According to the Summary Sheet and Report provided on February 13, 2026, the residential lots will be served by not nontributary Dawson wells operating pursuant to a Water Court approved plans for augmentation. The golf course clubhouse, and irrigation of the park and golf course will be served by nontributary Arapahoe wells.

As mentioned above, the proposed water supply source for the residential lots is individual on lot wells in the not nontributary Dawson aquifer decreed in consolidated case nos. 94CW023(B) and 04CW098 and covered by the augmentation plan approved by the Division 1 Water Court in case no. 16CW3190 (amended by 18CW3185), along with the additional groundwater decreed and covered by the augmentation plan approved in Division 1 Water Court case no. 24CW3169. The Applicant owns a portion of the ground water adjudicated in case no. 94CW023(B) underlying approximately

701 acres. Also, the Applicant's predecessor-in-interest entered into a Groundwater Production Lease, No. OT-109328 with the State Board of Land Commissioners. Based on the same the Groundwater Production Lease, the Applicant leased the not nontributary and nontributary groundwater underlying the 640 acres decreed in case no. 04CW098 through February 27, 2048. On that date all of the groundwater rights from case no. 04CW098 revert to the Applicant. The estimated amounts owned and leased by the Applicant are listed in the table below:

Aquifer	Annual amount available to Applicant from case nos. 94CW023(B) and 04CW098 (acre-feet) Based on 100 year allocation approach	Annual amount available to Applicant from case no. 24CW3169 (acre-feet) Based on 100 year allocation approach
Dawson	716	87.4
Denver	577	86.11
Arapahoe	239	38.0
Laramie-Fox Hills	386	28.3

The Applicant has obtained an augmentation plan decreed in case no. 16CW3190 (amended in case no. 18CW3185), which allows for an average diversion of 198 acre-feet annually and 59,400 acre feet total over a 300-year period from the not nontributary Dawson aquifer. According to the decree, the allowed withdrawal from each Dawson aquifer well is limited to 0.7 acre-feet/year/lot totaling 198 acre-feet/year for the 283 lots for the entire development. The in-house use is limited to 84.9 acre-feet/year while the irrigation of individual lots and open space land is limited to 113.1 acre-feet/year. According to the augmentation plan, no Dawson aquifer well approved pursuant to the plan for augmentation shall be allowed to pump water for any purpose unless it is also used in a residence on the lot on which such well is located, or for irrigation of open space lands.

The Applicant obtained well permit no. 81145-F for the amount of water transferred to the Applicant in case no. 04CW098 in the Arapahoe aquifer (239 acre-feet). The use of ground water from this well is limited to municipal, industrial, domestic, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and augmentation purposes. It appears that this well will be used within the development for the golf course. The Applicant has obtained an augmentation plan decreed in Division 2 Water Court case no. 18CW3043, which allows for an average diversion of 201 acre-feet annually and 38,190 acre-feet total from years 111 through 300 to irrigate the golf course using not nontributary Denver aquifer ground water decreed in Division 1 Water Court case no. 04CW098. The augmentation plan from case no. 18CW3043 was needed to meet the County's 300 year water supply requirement.

Additionally, the Applicant also obtained a supplemental augmentation plan decreed in case no. 24CW3169, which allows for an average diversion of 21.36 acre-feet annually and 8,740 acre feet total over a 300-year period from the not nontributary Dawson aquifer. According to the decree, the allowed withdrawal from each Dawson aquifer well is limited to 0.7 acre-feet/year/lot and 1.76 acre-feet/year for a horse facility totaling 21.36 acre-feet/year for an additional 28 lots and horse facility. The in-house use is limited to 8.4 acre-feet/year, the horse facility is limited to 1.76 acre-feet/year, and the irrigation of individual lots and open space land is limited to 11.20 acre-feet/year. According to the augmentation plan, no Dawson aquifer well approved pursuant to the plan for augmentation shall be allowed to pump water for any purpose unless it is also used in a residence on the lot on which such well is located, or for irrigation of open space lands.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to section 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one

hundred years.” Based on this allocation approach, the annual amounts of water decreed in consolidated case nos. 94CW023(B), 04CW098, and 24CW3169 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on 300 years, the annual residential demand for Filing 6-8 equals the allowed average annual amount of withdrawal of 0.7 acre-feet/year/lot allowed by the augmentation plans, and the non-residential demands are less than the amount of supply owned or leased by the Applicant. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Additional Comments

The applicant should be aware that any proposed detention pond for Filing 6-8, must meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, otherwise the structure may be subject to administration by this office. The applicant should review DWR’s [Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado](#) to ensure that the notification,

construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use Colorado Stormwater Detention and Infiltration Facility Notification Portal, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply for Filing 6-8 is adequate and can be provided without causing injury to decreed water rights, **provided the total annual amount allowed to be withdrawn by the Dawson aquifer wells for the total development will not exceed the total annual amount allowed by the augmentation plans approved in case nos. 16CW3190 and 24CW3169.**

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to the development is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is **equal** to the annual amount of water required to supply the development.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the applicant have any questions, please contact me (303) 866-3581 x8241 or michael.matz@state.co.us .

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Vargas-Johnson', with a long horizontal flourish extending to the right.

Javier Vargas-Johnson, P.E.
Water Resources Engineer

Ec: Subdivision File 34553

File for permit no. 81145-F