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

Re: Overlook at Homestead Rezone

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 request for a rezone of 350.830 acres from A35 to RR-5 submitted by PT Overlook, LLC and provide the following comments for your review and consideration:

***Compliance with the District’s Rules***

The property is located within the UBSC District’s boundaries and therefore Applicant must comply with all the UBSC District’s rules and regulations.

Applicant proposes to supply water to all homes in the subdivision via individual domestic wells in the Dawson Aquifer. UBSC District Rule 3(B) prohibits the withdrawal of water from the Dawson aquifer from small capacity wells permitted under section 37-90-105. Pursuant to this rule, Applicant may not withdraw water from the Dawson aquifer from small capacity wells to supply the homes in the subdivision.

Applicant must also comply with Rule 17(B), which limits withdrawals from large capacity wells in subdivisions. Rule 17(B) provides that “withdrawals shall not exceed .5 acre-feet per year per single family residence, single condominium unit, apartment unit, single unit with a multiple-dwelling unit, or equivalent within the Subdivision or cluster development supplied by the well. In the event a Subdivision or cluster development is supplied by multiple wells, production from all wells supplying the subdivision or cluster development shall not exceed the product of (the number of single family residences, single condominium units, apartment units, single units within a multiple-dwelling unit or equivalent within the Subdivision)X(.5) acre feet per year.” Rule 17(B) also states that “[i]n no event shall production from the well exceed the rate or amount set forth in any determination of water rights issued for the well by the Colorado Ground Water Commission.”

***Replacement Plan Required***

The Dawson aquifer has been determined to be partially tributary to the alluvium of the Upper Black Squirrel Creek and its tributaries and therefore a replacement plan is required prior to the issuance of a large capacity well permit to withdraw groundwater from the Dawson aquifer. Therefore, to use water from the Dawson aquifer as Applicant has proposed, Applicant must first obtain a replacement plan that complies with Rule 6 and with the Ground Water Commission's Designated Basin Rule 5.6. Any large capacity well permitted subject to that replacement plan would then be subject to the limits of the UBSC District's Rule 17(B), outlined above.

***Water and Wastewater System Policy***

The UBSC District has enacted the following policy regarding water and wastewater systems:

The District encourages the use of central (municipal) water and wastewater systems, as opposed to the use of individual wells and septic systems in any proposed subdivision consisting of three or more lots, in order to minimize the possibility of contamination of the alluvial aquifer and to protect the already over-appropriated ground water resources of the Upper Black Squirrel Creek Designated Ground Water Basin.

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.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Thompson". The signature is written in a cursive style with a large initial "L" and "T".

Lisa M. Thompson  
for  
TROUT RALEY