

EL PASO  **COUNTY**
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

June 18, 2019

Subject: (ADM-19-019) Determination of Applicability of the El Paso County Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations") as to the "Well Site #6- Laramie Fox Hills (BD-154) and Arapahoe (BD-155) Wells"

Dear Mr. Kerby,

This letter is in response to your "Well Site #6- Laramie Fox Hills (BD-154) and Arapahoe (BD-155) Wells" letter dated May 14, 2019, which includes a request for an exemption of the proposed new well site. As stated in your letter, "... the proposed well does not add new water to the system other than what is already planned. The water to be extracted is from water rights already owned and extracted by the District for use by the community. The water treatment plant does not require increased capacity as a result of the well being drilled."

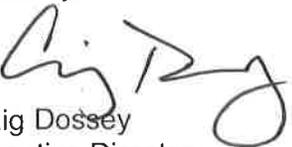
After reviewing your letter against the applicable sections of the El Paso County Guidelines and Regulations for Areas and Activities of State Interest ("1041 Regulations"), it is my opinion that the proposed project is not subject to the County's 1041 Regulations, and therefore, will not require a "1041" permit.

Please be advised that this determination is limited to the project as proposed. Additional review(s) for applicability of the 1041 Regulations will be required by the County for any future change(s) to the facility.

This determination shall only be interpreted as an exemption of the proposed project from permitting requirements under the County's 1041 Regulations. Approval of a Site Development Plan is required prior to construction.

If you have any questions or concerns regarding this determination, please contact myself or Nina Ruiz, Planner III, at (719) 520-6313 or ninaruiz@elpasoco.com.

Sincerely,



Craig Dossey
Executive Director
El Paso County Planning and Community Development Department



Nina Ruiz

From: Lawrence Grahem <lawrence@meridianranch.com>
Sent: Monday, June 17, 2019 4:40 PM
To: 'Raul Guzman'; Nina Ruiz; 'Tom Kerby'
Cc: 'Ryan Mangino'; 'David Pelsler'
Subject: RE: Administrative Determination

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Nina,
Per our phone conversation. This well site will not be running non-stop throughout the year. But if we assume the maximum output of 120 gpm running all year long it would only yield approximately 193 ac-ft. Far below the 500 ac-ft listed in Section 3.104. Thank you for pushing this forward and we look forward to hopefully getting Craig's sign off tomorrow. Thank you again.

Lawrence "Cal" Grahem, PE
Meridian Service Metropolitan District
11886 Stapleton Drive
Falcon, CO 80831
Office 719-495-7444
Cell 719-722-4939

From: Raul Guzman [mailto:raul@techbilt.com]
Sent: Monday, June 17, 2019 11:16 AM
To: 'Nina Ruiz'; 'Tom Kerby'
Cc: 'Ryan Mangino'; 'David Pelsler'; lawrence@meridianranch.com
Subject: RE: Administrative Determination

Hello Nina,
Tom's internet service in the Brazil jungles is somewhat limited.
We would love to plan for the wells to pump a lot of water but unfortunately we are planning for between 90 to 120 gpm from both. The water will indeed go into an existing 4" (very small) water line that was installed sometime in 2012 or 2013 when we built Londonderry Drive for the high school. See the attached construction drawings The 4" will deliver the water from the well site to our existing filter house north-east of filing 9 by Rex Road. The water will then go into the water tanks for use by the residents as potable water. So yes ultimate withdrawal after the wells. Hopefully this answers your questions. Please feel free to call or email me. Thank you.

Raul Guzman

Meridian Service Metropolitan District
Tech Contractors, Construction Manager
3575 Kenyon St., Suite 200
San Diego, CA 92110

(619) 223-1663

From: Nina Ruiz <NinaRuiz@elpasoco.com>
Sent: Monday, June 17, 2019 10:00 AM
To: 'Tom Kerby' <tom@meridianranch.com>
Cc: 'Ryan Mangino' <rmangino@jdshydro.com>; 'David Pelser' <d.pelser@meridianservice.org>; 'Raul Guzman' <raul@techbilt.com>; 'lawrence@meridianranch.com' <lawrence@meridianranch.com>
Subject: RE: Administrative Determination

Hi Tom,

I have also been out on vacation, as I am sure you saw. I hope your vacation was fun (wasn't this the mission trip one? That sounded like an AMAZING project!).

For my first question, can you please specify what the withdrawal will be after the wells? I understand they are needed to meet seasonal peaks, so I will need to know how much additional water will be withdrawn. There is a specific 1041 exemption that may apply depending upon the amount.

Thank you!

Nina Ruiz
Planner III
El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6313 (Direct)

EXCITING NEWS: WE ARE UPDATING THE COUNTY MASTER PLAN AND NEED YOUR INPUT! Please complete the County Master Plan Survey at <https://elpaso-hlplanning.hub.arcgis.com/>

To review all El Paso County projects go to: <https://epcdevplanreview.com/>
To review the [El Paso County Land Development Code](https://library.municode.com/co/el_paso_county/codes/land_development_code) go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: Tom Kerby [<mailto:tom@meridianranch.com>]
Sent: Tuesday, June 04, 2019 3:26 PM
To: Nina Ruiz
Cc: 'Ryan Mangino'; 'David Pelser'; 'Raul Guzman'; lawrence@meridianranch.com
Subject: RE: Administrative Determination

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Hi Nina,

See red below

I hope this provides enough information.

Please rely all, as I will be on vacation for the next two weeks beginning tomorrow.

tom

From: Nina Ruiz [<mailto:NinaRuiz@elpasoco.com>]
Sent: Monday, June 3, 2019 3:48 PM
To: 'Tom Kerby (tom@meridianranch.com)'
Subject: Administrative Determination

Hi Tom,

Craig and I spoke about your determination and we need answers to the following:

- How much water are you currently withdrawing annually from all of your wells? With the new wells, how much will you be withdrawing? **The average annual withdrawal is approximately 530 ac-ft between the years of 2011-2017 fluctuating based on seasonal demands since 2011. The minimum of 453 ac-ft in 2012 and a maximum of 650 ac-ft. in 2017. Meridian Service owns 4,214 ac-ft of water rights.**
- Why do you need these two new wells? **The two new wells will be used to meet increased seasonal peak demands.**
- Will the new wells result in an increased service area/capacity greater than 250 Single-family equivalents? **The new well site is not the result of an increase in the service area nor do the wells increase the capacity of the system by more than 250 SFEs. The MSMD service area is not different than the master plan. The wells are projected to be able to deliver approximately 100 gpm or about 190 SFEs.**

Nina Ruiz
Planner II
El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6313 (Direct)

EXCITING NEWS: WE ARE UPDATING THE COUNTY MASTER PLAN AND NEED YOUR INPUT! Please complete the County Master Plan Survey at <https://elpaso-hlplanning.hub.arcgis.com/>

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PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

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Article 1 General Provisions

4.101 Designation of Activities of State Interest

Any activity wholly or partially within the unincorporated jurisdiction of El Paso County which falls within one or more of the following categories shall be considered to be site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems, which activities are hereby designated as activities of state interest requiring a permit under these Regulations. No person may engage in construction, expansion, reoperation or other significant change in use of the following activities wholly or partially within unincorporated El Paso County without first obtaining a Permit pursuant to these Regulations.

- (1) New water supply systems, new water treatment plants, or extensions of those systems or plants including water storage tanks, and line extensions that serve more than 250 single-family equivalents.
- (2) Water service for commercial and/or industrial use equal to or greater than an amount equivalent to that in paragraph (1) above.
- (3) Domestic Sewage Systems. A project which is planned for or requires the creation of a major new sewage treatment system(s) or a major extension(s) of an existing sewage treatment system(s), which means any new collector sewer lines, return flow lines, pumping structure or treatment facilities proposed for:
 - (a) New wastewater treatment plants, extensions or expansions to existing plants, or individual sewage disposal systems (on-site wastewater treatment systems) that have an average flow of more than 2,000 gallons per day;
 - (b) Wastewater lift stations that pump wastewater from areas too low to drain into available sewers receiving an average flow of more than 2,000 gallons per day;
 - (c) Wastewater interceptors, as defined at Section 4.103;
 - (d) Service for commercial and/or industrial use that serves an equivalent of more than 250 single-family equivalents, and that is not served at the time of permit application.
- (4) This designation does not include extensions of water or sewer lines for which construction plans have been or are subject to approval as part of a subdivision development under the LDC.

4.102 Purpose and Intent

The purpose and intent of this Chapter shall be:

- (1) To ensure that new domestic water and sewage treatment systems and/or extensions of the same are constructed in areas which will result in the proper of existing treatment plants and the orderly development of domestic water and systems of adjacent communities.

GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

- (5) *Project or proposed project:* The site selection, construction, development, operation, reoperation, enlargement or expansion, conversion of an existing facility or structure to a municipal or industrial use, or material change of a development proposed under these Regulations throughout its life cycle including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the Project must be considered together when reviewing the project hereunder and determining if it satisfies these Regulations.
- (6) *Recycling:* the treatment of wastewater in a manner that will replenish its quality to the standard established by the Colorado Department of Public Health and Environment where permissible by Colorado water law.
- (7) *Source development area:* a geographic area or region wholly or partially within the unincorporated territory of the County which will be developed, altered, or affected in connection with the development of a municipal or industrial water project.

3.104 Applicability

- (1) This Chapter 3 applies to development of municipal and industrial water projects, wholly or partially within unincorporated El Paso County.
- (2) A municipal or industrial water project is exempt from this Chapter if it falls within one of the following categories:
 - (a) The maintenance, repair, replacement of an existing component or facility of a Project if it does not constitute a material change, does not cause negative impacts different from the existing Project, and does not otherwise exacerbate existing impacts.
 - (b) Replacement of an existing water diversion or storage structure without change in the point of diversion, type or place of use of the water, or yield.
 - (c) Irrigation facilities used for agricultural purposes.
 - (d) A proposed municipal water project with a new or increased diversion per year, or new or increased storage capacity, of less than 500 acre-feet.
 - (e) A proposed industrial water project with a new or increased diversion per year, or a new or increased storage capacity, of less than 500 acre-feet.

Article 2 Permit Applications and Procedures

The procedures concerning permit applications, notice and conduct of permit hearings, of Permit Authority decisions, and the issuance and content of permits to engage designated activity of a municipal or industrial water project shall comply with the provisions forth in Chapter 2 and the additional provisions of this Chapter.



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
 Designated Basin: UPPER BLACK SQUIRREL CREEK
 Management District: UPPER BLACK SQUIRREL
 County: EL PASO
 Parcel Name: N/A
 Physical Address: N/A

SE 1/4 NE 1/4 Section 29 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 536829.0 Northing: 4314285.0

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 155-BD, and the Commission Orders dated June 28, 2006 and October 23, 2014, for change of water right for 155-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) **The allowed average annual amount of water to be withdrawn from this well in combination with all other wells withdrawing water pursuant to Determination of Water Right no. 155-BD may not exceed 942 acre-feet.**
- 6) The use of ground water from this well is limited to municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acres described in the Order of the Commission dated March 26, 2001; 977.16 acres described in the Order dated June 28, 2006; and the Woodmen Hills and Paint Brush Hills Metropolitan Districts as approved in the Order dated October 23, 2014.
- 7) This well must be constructed to withdraw water from only the Arapahoe aquifer. The top of this aquifer is located approximately 1205 feet below the ground surface and the base of the aquifer is located approximately 1675 feet below the ground surface. Plain casing must be installed, grouted and sealed to prevent the diversion of water from other aquifers and the movement of water between aquifers.
- 8) The owner shall mark the well (designated A-6) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on the 2,650 acres of land described in the above described Order dated March 26, 2001. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

13) Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the following webpage: <http://water.state.co.us/groundwater/BOE/Pages/VariancesWaivers.aspx>

NOTE: This well will be completed in a Type I aquifer overlain by multiple confining layers and must be constructed with solid steel casing and grouted in accordance with Well Construction Rule 10.4.5.2 (2 CCR 402-2).

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

Neelha Mudigonda

Date Issued: 12/10/2018

Expiration Date: 12/10/2019

Issued By NEELHA MUDIGONDA



ORIGINAL PERMIT APPLICANT(S)

MERIDIAN SERVICE METROPOLITAN DISTRICT

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
 Designated Basin: UPPER BLACK SQUIRREL CREEK
 Management District: UPPER BLACK SQUIRREL
 County: EL PASO
 Parcel Name: N/A
 Physical Address: N/A
 SE 1/4 NE 1/4 Section 29 Township 12.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 536829.0 Northing: 4314274.0

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to Section 37-90-107(7), CRS, and the Findings and Order of the Colorado Ground Water Commission, dated March 26, 2001, for Determination of Water Right No. 154-BD, and the Commission Orders dated June 28, 2006 and October 23, 2014, for change of water right for 154-BD.
- 4) The maximum pumping rate of this well shall not exceed 150 GPM.
- 5) The allowed average annual amount of water to be withdrawn from this well in combination with all other wells withdrawing water pursuant to Determination of Water Right no. 154-BD may not exceed 755 acre-feet.
- 6) The use of ground water from this well is limited to municipal, domestic, irrigation, livestock watering, commercial purposes and replacement supply. Place of use shall be limited to the 2650 acres described in the Order of the Commission dated March 26, 2001; 977.16 acres described in the Order dated June 28, 2006; and the Woodmen Hills and Paint Brush Hills Metropolitan Districts as approved in the Order dated October 23, 2014.
- 7) Production is limited to the Laramie-Fox Hills aquifer which is located approximately 2035 feet below land surface and extends to a depth of approximately 2300 feet. In accordance with Rule 10.4.8 of the Water Well Construction Rules, plain steel casing must be installed and grouted from the top of the permitted production zone up to at least ten feet above the base of the surface casing, or to the depth required by Rule 10.5.2.1, if no surface casing is installed. (NOTE: If coals and/or carbonaceous shales are encountered in the borehole, plain casing and grout should be installed through these intervals to exclude poor quality water from entering the well.)
- 8) The owner shall mark the well (designated LFH-6) in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on the 2,650 acres of land described in the above described Order dated March 26, 2001. The well shall not be located within 600 feet of another large-capacity well completed in the Laramie-Fox Hills aquifer.
- 10) The entire length of the hole shall be geophysically logged prior to installing casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules.
- 11) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Ground Water Management District or the Ground Water Commission upon request.
- 12) No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.

13) Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers and pump installers must provide advanced notification (at least 24 hours) to the State Engineer prior to each of the following for this well: well construction, the initial installation of the pump, and initial installation of a cistern connected to the water well supply system. Any change in the anticipated date of construction/installation must be re-noticed (at least 24 hours prior to revised anticipated date). Information regarding the notification process and a link to the electronic notification form can be found on the following webpage: <http://water.state.co.us/groundwater/BOE/Pages/VariancesWaivers.aspx>

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

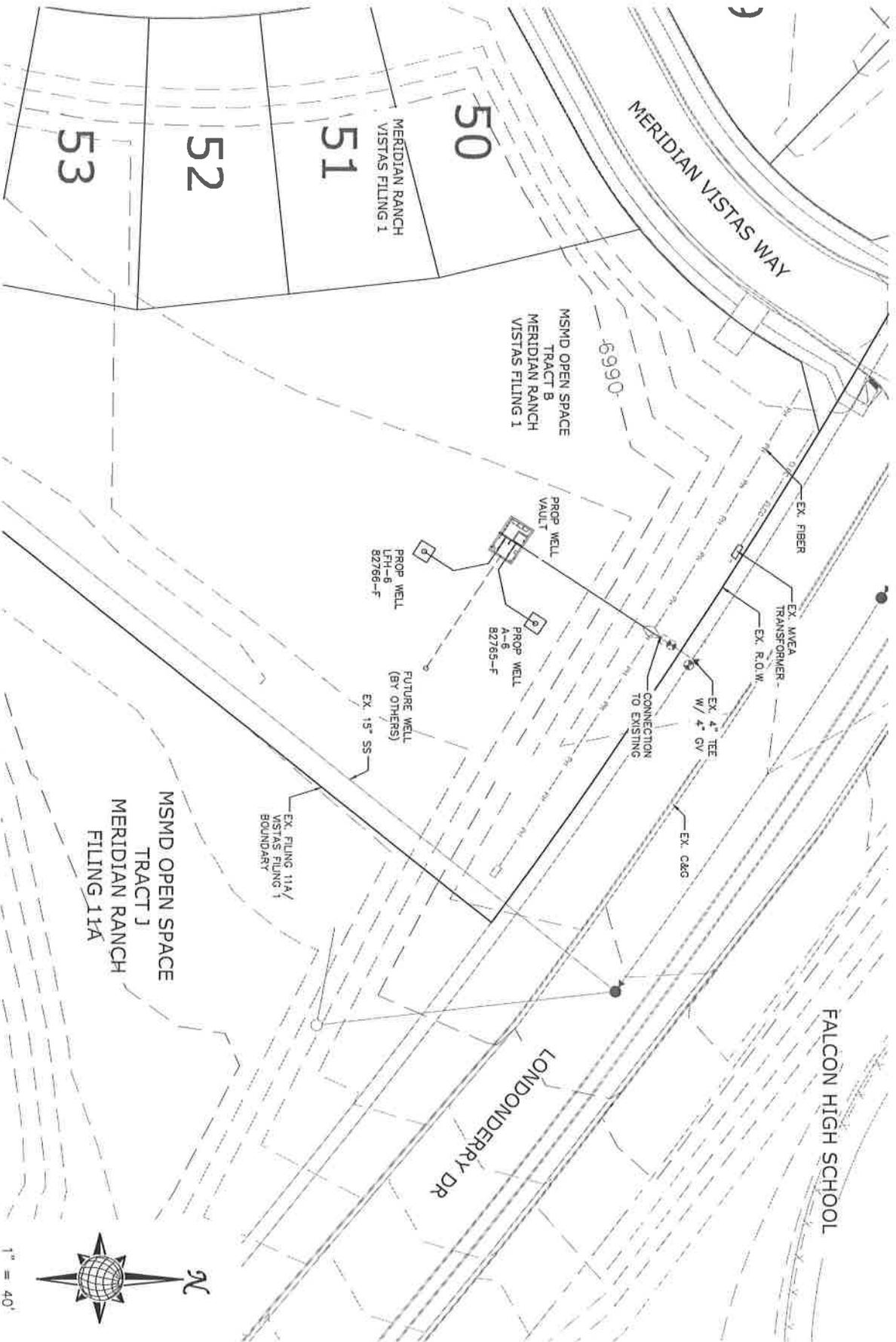
Neelha Mudigonda

Date Issued: 12/10/2018

Issued By NEELHA MUDIGONDA

Expiration Date: 12/10/2019

PROPOSED WELL SITE EXHIBIT





MERIDIAN SERVICE METROPOLITAN DISTRICT
Water, Wastewater, Parks and Recreation
11886 Stapleton Dr, Falcon, CO 80831
719-495-6567, Fax 719-495-3319

May 14, 2019

Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127
Attn: Craig Dossey

RE: Meridian Service Metropolitan District
Well Site #6 – Laramie Fox Hills (BD-154) and Arapahoe (BD-155) Wells
Relevance to Guidelines & Regulations for Areas and Activities of State Interest

Dear Mr. Dossey:

Meridian Service Metropolitan District (MSMD, the District), is in the planning and design phases of Well Site #6 located on Tract B of the Vistas Filing 1 at Meridian Ranch. The wells located at the proposed site will extract groundwater from the Denver Basins of the Laramie Fox Hills aquifer as appropriated with BD-154 and the Arapahoe aquifer appropriated with BD-155. MSMD owns the rights to 755 ac-ft of Laramie Fox Hills water under Meridian Ranch and 942 ac-ft of Arapahoe water.

The project is in Falcon, CO, southeast of the intersection of Londonderry Drive and Meridian Vista Way, west of Eastonville Rd. The proposed project is located within Tract B of the Vistas Filing 1, owned and maintained by MSMD and its designated uses include utility placement. No additional easements will be necessary for this project.

The proposed well site includes two wells, a 3" ductile iron pipe to the Arapahoe well and 4" ductile iron pipe to Laramie Fox Hills well, a below ground well vault, 4" PVC pipe to connect to the existing system and appurtenances. A site plan exhibit is enclosed with this letter.

The project appears to be exempt in that it is to be located on land designated as a Well Site on the finally approved Sketch Plan for Meridian Ranch. The specific site has been identified as such since 2011. The Vistas Filing 1 at Meridian Ranch final plat indicates Tract B is owned and maintained by the District and its approved uses include among others is for utility use. This seems to fit into the exemption outlined under allowed exemptions found in Section 1.105 paragraphs 3 and 4

Under Article 1 General Provisions of Chapter 4, 'Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems and Major Extensions of Existing Domestic Water and Sewage Treatment Systems,' the off-site maintenance construction of the sewer main does not fall within the Regulations for Areas and Activities of State Interest. More specifically, Section 4.101 Designation of Activities of State Interest, subsection 1 relates to a new water supply system, new water treatment plants or extensions of those systems or plants that include water storage and line extensions; none of which apply in this case. Subsection 2 relates to the same as subsection 1 except for commercial and/or industrial use; again does not apply in this case. Subsection 3 does not apply as the proposed project is a well and not a sewer system as this subsection applies. Subsection 4 does not apply, as this project is maintenance and capacity related to an existing main and not tied to any subdivision development.



MERIDIAN SERVICE METROPOLITAN DISTRICT

Water, Wastewater, Parks and Recreation

11886 Stapleton Dr, Falcon, CO 80831

719-495-6567, Fax 719-495-3349

With respect to Water Supply Systems, the proposed well does not add new water to the system other than what is already planned. The water to be extracted is from water rights already owned and extracted by the District for use by the community. The water treatment plant does not require increased capacity as a result of the well being drilled.

After researching El Paso County's "Guidelines and Regulations for Areas and Activities of State Interest (the Regulations)," we are submitting the following information related to Section 1.105 Exemptions to demonstrate that the project does not apply to the Regulations. Below are excerpts from the Regulations followed by rationale and information related to this project:

Section 1.105 – Exemptions

1. The specific development or activity is authorized by a valid building Permit issued by the Pikes Peak Regional Building Department on behalf of the County.

The proposed activity is not applicable to line item number 1.

2. The specific development or activity was directly approved by the electorate of the State or of the County; provided that approval by the electorate of any bond issue shall not, in and of itself be construed to be an approval of the specific development or activity.

The existing activity water distribution line was approved by El Paso County and the Colorado Department of Public Health and Environment (CDPHE). The proposed activity is not a change to the process. Also, the approved capacity and treatment location of the water will not change.

3. The specific development or activity is to be on land which has been finally approved, with or without conditions, for planned unit development or for a use other than a subdivision substantially the same as a planned unit development, and a Site Development Plan has been approved by El Paso County prior to the effective date of these Regulations for the development or activity which would otherwise be subject to these Regulations.

The proposed activity is to be located on land designated as a Well Site on the finally approved Sketch Plan for Meridian Ranch. The specific site has been identified as such since 2011. The Vistas Filing 1 at Meridian Ranch final plat indicates Tract B is owned and maintained by the District and its approved uses include utility use.

4. The specific development or activity is to be on land which has been zoned by the County expressly and specifically for a use by right for the use contemplated by the development or activity and a Site Development Plan has been approved for the specific development or activity which would otherwise be subject to these regulations.

The proposed activity is on land zoned by the County for its current use, which will remain unchanged.

5. These Regulations shall not apply to the division, subdivision or resubdivision of land, which complies with the Land Development Code, the El Paso County Engineering Criteria Manual and the City of Colorado Springs and the El Paso County Drainage Criteria Manual, as long



MERIDIAN SERVICE METROPOLITAN DISTRICT
Water, Wastewater, Parks and Recreation
11886 Stapleton Dr, Falcon, CO 80831
719-495-6567, Fax 719-495-3349

as any exceedance of the thresholds in Section 6.105(3) are addressed in the land use approval process.

The proposed activity is not a division, subdivision or resubdivision process.

6. The day-to-day operations of an existing project or facility, or a minor change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause negative impacts different from that of the existing facility or project or otherwise exacerbate existing impacts. The determination of minor change, material change, and negative or exacerbating impacts shall be made by the Development Services Department Director.

There are no current "day-to-day" activities associated with the location, nor will there be any day-to-day operations of the well (as far as being visited daily by personnel). There are no negative impacts from a well. Only a new water source to the system, and that source has been approved by the State Engineer's Office and the location is in the approved sketch plan.

7. These regulations shall not apply to any use or structure otherwise lawfully existing on the date the area or activity is designated or subjected to these Regulations which use becomes nonconforming as a result of the adoption of these Regulations, provided, when such a nonconforming use shall be discontinued for one year or more or a nonconforming structure is damaged or destroyed to the extent of at least fifty (50) percent of the County Assessor's assessed value, any reuse, reconstruction, or replacement of such structure shall be deemed a new use and shall be subject to these Regulations. Additionally, expansion of a legal nonconforming use or structure shall require a Permit.

The proposed activity is not applicable to line item number 7.

Attached is an exhibit depicting the location of the proposed well site and the two well permits issued by CDPHE.

If I can provide any additional information, or if you have any questions, please feel free to contact me.

Sincerely,

Thomas A Kerby, PE
District Engineer
Meridian Service Metropolitan District
11886 Stapleton Drive
Falcon, CO 80831
719.495.7444