

Miranda Benson

From: Anderson - DNR, Katharine <katharine.anderson@state.co.us>
Sent: Thursday, August 27, 2026 2:32 PM
To: Miranda Benson
Subject: Re: FW: Boundary Line Adjustment - County File #EXBL262

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Miranda,

Water rights are transferred via a water deed or property deed recorded at the County Clerk and Recorder Office. If the owner is unsure whether they own water rights, I would encourage them to review deeds at that office. If they think they own water rights but do not have a deed outlining what water rights they own, it may be best if they hire a water attorney to work through that situation. This office cannot comment on whether the owner currently has water rights and/or if they intend to include water rights with any changes to the parcels that may happen. Additionally, the parcel is outside of the Denver Basin Aquifer Area, and therefore there are no Denver Basin groundwater decrees associated with the property.

There is a well permit for Lot 22 of Eagles Nest Subdivision. This is an exempt well permit, which is not considered a water right. It is called an "exempt" permit because it is exempt from the prior appropriation water rights administrative system (whereas a water right is not exempt from that system). Water rights are owned/bought/sold by individuals through deeds, whereas an exempt well permit is associated with a specific encumbrance area of land. It's a confusing topic, but I hope that this helps differentiate the two water-related things.

Well permit no. 173792 is associated with Lot 22 of Eagles Nest Subdivision. The well permit is associated with both the legal lot name as well as the current area, shown below in pink (the "well encumbrance area"):



After the lot line adjustment, the well will no longer reside on what is currently known as Lot 22, and a portion of both parcels will be encumbered by the existing well permit. The entire southern parcel would be encumbered by a well that does not reside on the property, rendering it ineligible for an exempt permit, and unable to obtain a water supply through an exempt well.

To fix this, the easiest route would be to have the owner of the northern parcel re-permit the well based on the new parcel boundaries and legal description. This will update the well to be associated with the northern parcel, and it will un-encumber the current pink area of the southern lot by instead encumbering the entirety of the northern parcel. Although we cannot guarantee well permits over email, unencumbering the land of the southern parcel would allow the southern parcel to possibly obtain an exempt well permit some time in the future. If this does not happen, the southern parcel would definitely be ineligible for an exempt well permit because we cannot legally issue two exempt permits within one encumbrance area.

If you require an official statement outlining what I have stated above, please send it to me on the EDARP system, but if you think this email can also work, then please feel free to use this email instead.

I hope I have answered all of your questions, but please let me know.

Thank you,
Katie

Please be advised, if this email is in regards to a well permit application, that the aforementioned criteria must be addressed and received by this office within one year of the date of this correspondence to retain active status of the application. Information submitted after that date will require a new application and will be assessed the appropriate fee.

Katie Anderson (she/her)

Water Resources EIT II, Team 237
Colorado Division of Water Resources
Phone: 303-866-3581 x8207
1313 Sherman St., Room 818, Denver, CO 80203
katharine.anderson@state.co.us | dwr.colorado.gov/

On Thu, Aug 20, 2026 at 10:49 AM Miranda Benson <MirandaBenson2@elpasoco.com> wrote:

Hello Katie,

I'm following up on the email below.

Thank you,



Miranda Benson

Associate Planner

EPC Planning & Community Development

2880 International Circle, Ste. 110

(719) 520-7940

<https://planningdevelopment.elpasoco.com>

From: Miranda Benson
Sent: Friday, August 14, 2026 8:32 AM
To: 'katharine.anderson@state.co.us' <katharine.anderson@state.co.us>
Subject: FW: Boundary Line Adjustment - County File #EXBL262

Hello Katie –

My name is Miranda Benson. I am a Planner with El Paso County's Dept of Planning and Community Development.

I am processing a subdivision exemption project to modify the boundary line between two unplatted but legally created parcels. Public access EDARP file number: [EXBL262](#). Currently, "Parcel C" (southern parcel) has an established well and "Parcel B" (northern parcel) does not.

The applicants are proposing to reconfigure the boundary line in a way that the well would then be located on "Parcel B" (northern). Screenshots from the application's map drawing are below.

- Will this boundary line modification impact the water right for either parcel?
- Will Parcel C be eligible for a well permit in the future?
- Is there a process that needs to be completed to transfer ownership of the well/water right from Parcel C to Parcel B?

Would it be appropriate for me to add your division as a review agency in EDARP for this subdivision exemption project? This application does not require the full water finding review that a subdivision application would receive and this will not go before a hearing body with the County.

As existing:



Miranda Benson

Associate Planner

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From: Laura Hunter <HunterLaura@hotmail.com>

Sent: Tuesday, August 11, 2026 4:05 PM

To: Miranda Benson <MirandaBenson2@elpasoco.com>

Subject: Re: Boundary Line Adjustment - File #EXBL262

Yes, I was referred to Katie Anderson:

Katie Anderson (she/her)

Water Resources EIT II, Team 237

Colorado Division of Water Resources

Phone: 303-866-3581 x8207

1313 Sherman St., Room 818, Denver, CO 80203

katharine.anderson@state.co.us | dwr.colorado.gov/

From: Miranda Benson <MirandaBenson2@elpasoco.com>
Sent: Tuesday, August 11, 2026 3:10 PM
To: 'Laura Hunter' <HunterLaura@hotmail.com>
Subject: RE: Boundary Line Adjustment - File #EXBL262

Hello,

Do you have the contact info for the person at the Division of Water Resources (DWR) that you spoke with? County Planning typically only sends their division an EDARP comment request when new lots are created and a water sufficiency finding is required to be presented to the Board of County Commissioners. Your project is administrative (no public hearings), and no lots are being created for the County Attorney's Office to verify water sufficiency. I'd like to make sure that I send the comment request to the right person, as the typical recipients may be confused as to why this project is coming their way.

Uploading any email communication from DWR explaining the water right situation for the subject properties or verification that both parcels will retain the ability to apply for individual wells would also be sufficient.

Thank you,



Miranda Benson

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From: Laura Hunter <HunterLaura@hotmail.com>
Sent: Tuesday, August 11, 2026 1:33 PM
To: Miranda Benson <MirandaBenson2@elpasoco.com>
Subject: Re: Boundary Line Adjustment - File #EXBL262

Hi Miranda,

I spoke with the Division of Water resources and they said they would make their comments directly in the project, however, I don't see where they have been requested to provide comments. I only see DPW. Is that the same? Or will their comments be requested once we complete the changes you are needing for the submission?

Thanks,

Laura

From: Miranda Benson <MirandaBenson2@elpasoco.com>
Sent: Friday, July 31, 2026 12:47 PM
To: Laura Hunter <HunterLaura@hotmail.com>
Subject: RE: Boundary Line Adjustment - File #EXBL262

Yes! I put that on the map exhibit where there was more space – I'll also include it here:

Colorado Division of Water Resources

<https://dwr.colorado.gov/services/well-permitting>

(303) 866-3581

Thank you,



Miranda Benson

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From: Laura Hunter <HunterLaura@hotmail.com>
Sent: Friday, July 31, 2026 12:25 PM
To: Miranda Benson <MirandaBenson2@elpasoco.com>
Subject: Re: Boundary Line Adjustment - File #EXBL262

Thank you - I also thought I saw a comment with a contact to verify water rights but I can't find that. Do you have that department that I can reach out to?

From: Miranda Benson <MirandaBenson2@elpasoco.com>
Sent: Friday, July 31, 2026 10:47 AM
To: Laura Hunter <hunterlaura@hotmail.com>
Subject: RE: Boundary Line Adjustment - File #EXBL262

Correct - the Boundary Line Adjustment project cannot create additional parcels/lots. Identifying the easement on each property as an independent parcel (Parcel A-1, B-1, C-1) conflicts with that criterion. That will have to be corrected on all documents.

Thank you,



Miranda Benson

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From: Laura Hunter <hunterlaura@hotmail.com>
Sent: Friday, July 31, 2026 10:43 AM
To: Miranda Benson <MirandaBenson2@elpasoco.com>
Subject: Re: Boundary Line Adjustment - File #EXBL262

Also - there's several mentions of the Parcel B- & C-1 labels, should this just be revised to show (new) Parcel B and Parcel C? Instead of the B-1 and C-1 which implies independent parcels?

From: Laura Hunter <HunterLaura@hotmail.com>
Sent: Friday, July 31, 2026 10:39 AM
To: Miranda Benson <MirandaBenson2@elpasoco.com>
Subject: Re: Boundary Line Adjustment - File #EXBL262

Specifically on the Letter of Intent - I can revise it to reflect the feedback in the comments, but I wasn't sure if that would confuse anyone.

From: Miranda Benson <MirandaBenson2@elpasoco.com>
Sent: Friday, July 31, 2026 9:22 AM
To: Laura Hunter <HunterLaura@hotmail.com>
Subject: RE: Boundary Line Adjustment - File #EXBL262

Hello,

Where there are questions, it is likely that you will need to add a sentence or map exhibit detail to document the missing information. Do you have a specific question that you're wondering how to address?

Thank you,



Miranda Benson

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From: Laura Hunter <HunterLaura@hotmail.com>
Sent: Friday, July 31, 2026 6:57 AM
To: Miranda Benson <MirandaBenson2@elpasoco.com>
Subject: Re: Boundary Line Adjustment - File #EXBL262

Hi Miranda,

Do we respond inline on the Boundary Line Request document where there aren't revisions needed and just questions? Or do you need me to revise the document with those questions in mind?

Thanks,

Laura

From: Miranda Benson <MirandaBenson2@elpasoco.com>

Sent: Thursday, July 30, 2026 12:13 PM

To: Laura Hunter <HunterLaura@hotmail.com>

Subject: RE: Boundary Line Adjustment - File #EXBL262

Hello,

The review comments for the Boundary Line Adjustment have been uploaded to EDARP! Please log into your account and navigate to the project's page to review all comments. There are attachments with blue boxes (DPW Engineering, EdwardSchoenheit@elpasoco.com) and green boxes (PCD Planning, myself).

After reviewing the returned comments, please let me know if you have any questions!

Thank you,

**Miranda Benson**

Associate Planner

EPC Planning & Community Development

2880 International Circle, Ste. 110

(719) 520-7940

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