

Colorado Division of Water Resources:

Source of Water Supply, Engineer's 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 is not adequate and cannot be provided without causing injury to decreed water rights.

It appears that in order to obtain a favorable opinion from this office on the proposed water supply to the subdivision, the applicant must do the following:

1. Obtain a new replacement plan allowing withdrawals pursuant to Determination of Water Right No. 1692-BD that is sufficient to meet the proposed development's water demands and is consistent with El Paso County's 300-year water supply requirement
2. Provide a water supply plan that clearly defines the proposed development's water demands, and the sources that will be used to meet those demands. Such a plan must also be consistent with the approved replacement plan.

An amendment to an existing replacement plan contained in Determination No.: 1692-BD was submitted by ProTerra Properties, LLC on December 7, 2018. Comments on the replacement plan amendment were provided by the Colorado Division of Water Resources on Thursday, March 7, 2019. ProTerra Properties, LLC consultants are currently working on responses to comments.

Additional Comments:

Conway Well (Permit No. 162283) – In our prior comments we noted that there is an existing small-capacity Dawson Aquifer well, permit no. 162283, that is located on the subject 766.66 acres. Well permit no. 162283 was issued on a tract of 40-acres described as the NW ¼ of the SW ¼ of Sec. 19, Twp. 11 S, Range 64 W, 6th P.M., without consideration of material injury to other water rights. According to the Water Resources Report a search for the well structure was conducted on January 7, 2019, resulting in no evidence that the structure exists at or near the location depicted in the permit and at this time they are assuming that this well does not exist on the Winsome Property. The Applicant should verify that the well does not exist at any location on the 766.66 acre parcel, not just at or near the location depicted on the well permit. In addition, they should clarify if Ron Conway, the well permit applicant, ever owned the property claimed by the well permit.

Please see Section 3.6 Impact on Existing Wells in the revised Water Resources Report, specifically the part pertaining to Well Permit 162283 on Page 8.

Gowler Well (Permit No. 309240) – In our prior comments we noted that there is another existing small capacity Dawson Aquifer well, permit no. 309240, that claims a portion of the 766.66 acres. Well permit no. 309240 was issued on 40 acres described as the NE ¼ of the NE 1.4 of Sec. 42, Twp. 11 S, Range 65 W, 6th P.M., without consideration of material injury to other water rights. While the well itself is not located on the subject 766.66 acres, the 40 acres on which it is permitted overlaps the 766.66 acres. Upon approval of the proposed subdivision the 40 acres on which the permit no. 309240 was issued will no longer exist as a single tract, and the acreage on which the well will be located will be smaller than the 40 acres on which the

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permit was issues, rendering the permit invalid, meaning the well could not continue to operate under permit no. 30942. The ability to issue a new small capacity permit to the well is not clear, as such ability may depend on the number of acres described in Parcel 3 on the map. While permit no. 30942 was originally issued to the owner developer of the proposed subdivision (McCune Ranch, LLC), information in our files indicates this well is no longer owned by McCune Ranch, LLC but by Matthew and Tiffany Gowler. This office recommends the following:

1. The County require that the owner / develop of the subdivision be required to arrange with the owner of the well to either plan and abandon this well, or re-permit this well.
2. Should the owner of the well want to re-permit the well, prior to this subdivision being approved by the county, the county require the current well owner to submit to our office applications to re-permit the well.

Please see Section 3.6 Impact on Existing Wells in the revised Water Resource Report, specifically the part pertaining to Well Permit 309240 on Page 8.