

# **Home Land Acres Lot 1 Minor Subdivision**

## **PRELIMINARY WATER RESOURCES REPORT**

**Prepared for:**

**HLI Properties, LLC**

**April 22, 2024**

**Prepared By:**



**13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921**

## **Executive Summary:**

### **Preliminary Water Resources Report – Home Land Acres Lot 1 Minor Subdivision**

Chris D. Cummins of Monson, Cummins, Shohet & Farr, LLC, on behalf of the Applicant, HLI Properties, LLC, a Colorado limited liability company (“Applicant”), with the express and written consent of Integrity Bank & Trust (“Owner”), provides the following Water Resources Report in support of the Home Land Acres Lot 1 Minor Subdivision. Mr. Cummins has practiced water law almost exclusively for nearly 21 years, including extensive experience with exempt well usage, groundwater resources, augmentation plans, designated basin replacement plans, subdivision proceedings, and rural water usage. Given his experience, Mr. Cummins should be considered a “qualified professional” as concerns water resources, as discussed at Section 8.4.7(B)(1)(c) of the El Paso County Land Development Code. This Report, prepared in conjunction with other professionals, is intended to demonstrate to the El Paso County Planning Commission and the Board of County Commissioners, the sufficiency in terms of quantity and dependability, of the water rights and resources to be utilized in the proposed Home Land Acres Lot 1 Minor Subdivision (the “Subdivision”), in El Paso County, Colorado.

The Property consists of approximately 57.49 acres located at the current street addresses of 8180 Kane Road, Fountain, CO 80817, in the SW¼ NW¼ of Section 4, Township 16 South, Range 65 West of the 6<sup>th</sup> P.M; El Paso County, Assessor Parcel No. 5604000044. The one (1) lot of less than 35 acres in size to be created by this Subdivision is to be provided water and wastewater through an on-site exempt well and Individual Septic Disposal System (“ISDS”), respectively. The proposed minor subdivision has one existing residence on Lot 1 containing approximately 10.43 acres, and the remaining Tract A will be approximately 47.06 acres in size, with no water or wastewater uses anticipated as part of this Subdivision.

It is expected that the existing well will remain exempt and continue to pump the permitted three (3) annual acre-foot of water for use in the existing home, for outside irrigation of a maximum of 1 acre, and for watering of domestic animals, consistent with the existing Permit No. 326135, on Lot 1 as created by the Subdivision.

The water resources to be utilized on the single residential lot in the Subdivision is typical of rural residential development in this area of El Paso County, Colorado, with the exception of the source of supply for the well permitted under Permit No. 326135 being from a renewable alluvial source, rather than the more typical finite Denver Basin aquifers. As described herein, because the uses of the existing exempt well permitted under Permit No. 326135 will not be expanded, and because such well is constructed into an alluvial groundwater formation presumed to be tributary to Jimmy Camp Creek, and therefore is pumping tributary and renewable water supplies, Applicant can demonstrate a sufficient quantity and reliability of water to support compliance with El Paso County’s 300-year water supply rules for subdivisions of this nature.

## I. INTRODUCTION

The purpose of this report is to provide a preliminary outline of the water resources and associated wastewater requirements necessary for approval of the Home Land Acres Lot 1 Minor Subdivision, as proposed.

1.1 New Development Description: The Subdivision consists of 57.49 acres located at the current addresses of 8180 Kane Road, Fountain, CO 80817. The Property will be subdivided into one lot of approximately 10.43 acres ("Lot 1"), and one remaining tract of greater than 35 acres in size (47.06 acres). **Exhibit A**, attached hereto, is the plan for the Subdivision as proposed, prepared by Dakota Springs Engineering. This analysis accounts for water reserved for the existing exempt well, and the 300-year supply necessary for subdivision approval.

## II. PROJECTION OF WATER NEEDS

2.1 Analysis of Water Demands: It is expected that the one residential lot in the Subdivision will utilize the existing exempt individual well constructed into the alluvium of Jimmy Camp Creek and permitted for domestic-type uses, including in-house, landscape irrigation of lawn and gardens, watering of domestic animals and stock, and fire protection. Existing well with Permit No. 326135, a copy of which is attached as **Exhibit B**, will provide water supply to lot created by the Subdivision. This is an exempt well permitted pursuant to C.R.S. §37-92-602(3)(b)(II), and pursuant to C.R.S. §37-92-602(3)(a)(IV) will remain exempt following approval of the Subdivision. There are no other wells currently constructed on the Property, nor is any other water use contemplated by this Subdivision. Based on experience with the this well by Applicant, the available rate of production of 15 gallons per minute is more than sufficient to meet demand for permitted uses.

## III. WATER RIGHTS AND FACILITIES

3.1 Water Rights: Applicant is entitled to the maintenance of the exempt well as permitted pursuant to C.R.S. §37-92-602(3)(b)(II), Permit No. 326135, following completion of the Subdivision, pursuant to recently enacted C.R.S. §37-92-602(3)(a)(IV), which provides:

If an existing well was permitted under the presumption set forth in subsection (3)(b)(II)(A) of this section, the presumption is not lost if: A. The land on which the well is located is divided into multiple parcels; B. The well is used on only a single parcel of the divided land and remains the only well serving that parcel; C. With respect to the parcel of the land that the well still serves, the permit holder continues to use the well in accordance with subsections (1)(b) and (3)(b)(II)(A) of this section; and D. The permit holder provides return flows in accordance with subsection (3)(b)(II)(A) of this section.

Applicant's well Permitted pursuant to Permit No. 326135 is (A) currently the only well utilized on the Property; (B) will be utilized only on Lot 1 created by the Subdivision; (C) will continue to be utilized for its permitted purposes under subsections C.R.S. §§37-92--

602(1)(b) and (3)(b)(II)(A; and (D) will continue to provide septic return flows as required by C.R.S. §37-92-602(3)(b)(II)(A). As such, Applicant is entitled to maintain the existing exempt Permit No. 326135 for continued provision of water service, without expansion, to Lot 1 of the Subdivision.

3.2 Source of Supply: The exempt well permitted under Permit No. 326135 is constructed to the presumed tributary alluvium of Jimmy Camp Creek, and thus produces renewable tributary groundwater associated therewith. By its definition, renewable tributary groundwater is of such a nature as to be replenished annually through normal precipitation, and thus available in perpetuity. This is in comparison to finite non-renewable Denver Basin groundwater supplies not materially recharged by precipitation, which require computer modeling to demonstrate sufficient quantities to last for the requisite 300 year period described by the El Paso County Land Development Code (which was clearly developed as a means to extend the production of finite Denver Basin groundwater resources). There is no evidence that shallow alluvial groundwater tributary to and connected with Jimmy Camp Creek has or will be diminished, and it is therefore the undersigned's opinion that the exempt domestic well permitted by Permit No. 326135 for withdrawal of tributary groundwater satisfies the County's 300-year rule, and is sufficient both as to quantity and dependability. Given the renewable nature of tributary alluvial groundwater, it is virtually impossible to calculate specific quantities of water available, or a finite period of time of such availability. While all wells deteriorate and require maintenance and eventual replacement, the subject well can be so maintained and eventually replaced so as to provide for a potentially perpetual operation.

3.3 Pumping Rates for Service: The tributary alluvial aquifer to which Permit No. 326135 is constructed is known to have reliably produced approximately 15 gallons per minute, more than sufficient for single family residential and accessory uses, as evidenced by the Pump Installation and Testing Report included in the **Exhibit B** permit file for Well Permit No. 326135.

3.4 Ownership: The Property is currently owned by Integrity Bank & Trust, as evidenced by the deed attached hereto as **Exhibit C**. Integrity Bank & Trust has expressly consented to Applicant's subdivision of the Property, as evidenced by the Letter of Consent attached hereto as **Exhibit D**.

IV. WASTEWATER AND WASTEWATER TREATMENT – While soils, geology and geotechnical analysis will be provided by other of Owners' consultants, the Owners provide a summary of ISDS to be utilized herein, as relates to water usage and resulting return flows, consistent with C.R.S. §§37-92-602(3)(b)(II)(A) and 37-92-602(3)(a)(IV).

4.1 Septic/Wastewater Loads: Septic projections are based on similar residential uses on rural residential lots. Average daily wastewater loads are expected to be approximately 160 gallons per day per single-family residence. Maximum daily wastewater loads are expected to be roughly 210 gallons per day per single-family residence based on the El Paso County Land Development Code residential demand standard of 0.26 acre-feet per year.

4.2 On-Site Wastewater Treatment Systems: The single residential lot within

the Subdivision will be served by an individual on-site wastewater treatment system. The on-site wastewater treatment system has been installed according to El Paso County Guidelines and properly maintained to prevent contamination of surface and subsurface water resources.

Respectfully submitted this \_\_\_\_ day of April, 2024.

MONSON, CUMMINS, SHOHET & FARR, LLC

*/s/ Chris D. Cummins*

Chris D. Cummins

Exhibits:

- A – Plat of the Property
- B – Well Permit File
- C – Integrity Bank & Trust Deed
- D – Integrity Bank & Trust Letter of Consent

The water resources report must include items depicted in Section 8.4.7 and proving sufficiency of water supply for 300 years and information about basins linked to the well.