



September 8, 2026

Ryan Howser, Project Manager
El Paso County Development Services Department
Transmission via email: ryanhowser@elpasoco.com

Re: Flying Horse North PUD/SP Amendment (Filing 9)

File No. PUDSP263

Part of the W ½ of Sec. 36, Twp. 11 South, Rng. 66 West, 6th P.M.

Water Division 1, Water District 8 and Water Division 2, Water District 10

Dear Ryan Howser:

We have reviewed your referral concerning the proposal for a planned unit development and sketch plan for 11 single-family residential lots of 2.5+ acres on 99.748 acres within the Flying Horse North development Filing 9. This PUD Amendment increases the total number of lots in the subdivision from 299 to 310. This referral includes a portion of the area previously platted as Tract A in Filing 3, along with the new Filing 9 area.

Our office also provided comments on the Flying Horse North Preliminary Plan (SF-17-012) in letters dated January 17, 2018, May 17, 2018, July 3, 2018, September 19, 2018, May 28, 2025, and November 24, 2025.

According to information previously received by this office, the Flying Horse North development was originally approved for 283 single-family residential lots, 324.1 acres of open space comprised of a golf course, and a park on a 1,417.8-acre parcel. The Flying Horse North - PUD/SP Amendment for Filings 6-8 subsequently added an additional 16 single-family lots to the project, for a total of 299 lots inside the development. As mentioned above, the additional 11 lots proposed as part of this PUD



Amendment would increase the total number of lots in the subdivision from 299 to 310.

Water Supply Demand

According to the Water Resources Report (“Report”) dated April 3, 2026 by HR Green, LLC, the water demands for the 11 lots associated with Filing 9 of the Flying Horse North subdivision are 0.7 acre-feet/year/lot for domestic use (7.70 acre-feet/year total) and 20.30 acre-feet/year for irrigation of non-residential areas. The total water supply demand for Filing 9 is 28.0 acre-feet/year.

According to the Report, the water demands for the overall Flying Horse North subdivision are 0.7 acre-feet/year/lot for domestic use (217 acre-feet/year total) for the 310 residential lots, 20.30 acre-feet/year for irrigation of non-residential areas, 43.15 acre-feet/year for irrigation of park space, 5.32 acre-feet/year for use in the golf course clubhouse, and 164.7 acre-feet/year for irrigation of the golf course. The total water supply demand for the overall Flying Horse North subdivision is 450.47 acre-feet/year.

Source of Water Supply

According to the Report, the residential lots and irrigation of non-residential areas inside Filing 9 will be served by not nontributary Dawson wells operating pursuant to Water Court approved plans for augmentation. The golf course clubhouse, and irrigation of the park and golf course will be served by nontributary Arapahoe wells.

As mentioned above, the proposed water supply source for the residential lots is individual on lot wells in the not nontributary Dawson aquifer decreed in consolidated case nos. 94CW023(B) and 04CW098 and covered by the augmentation plan approved by the Division 1 Water Court in case no. 16CW3190 (amended by 18CW3185), along

with the additional groundwater decreed and covered by the augmentation plan approved in Division 1 Water Court case no. 24CW3169. The Applicant owns a portion of the ground water adjudicated in case no. 94CW023(B) underlying approximately 701 acres. Also, the Applicant's predecessor-in-interest entered into a Groundwater Production Lease, No. OT-109328 with the State Board of Land Commissioners. Based on the same the Groundwater Production Lease, the Applicant leased the not nontributary and nontributary groundwater underlying the 640 acres decreed in case no. 04CW098 through February 27, 2048. On that date all of the groundwater rights from case no. 04CW098 revert to the Applicant. The estimated amounts owned and leased by the Applicant are listed in the table below:

Aquifer	Annual amount available to Applicant from case nos. 94CW023(B) and 04CW098 (acre-feet) Based on 100 year allocation approach	Annual amount available to Applicant from case no. 24CW3169 (acre-feet) Based on 100 year allocation approach
Dawson	716	87.4
Denver	577	86.11
Arapahoe	239	38.0
Laramie-Fox Hills	386	28.3

The Applicant has obtained an augmentation plan decreed in case no. 16CW3190 (amended in case no. 18CW3185), which allows for an average diversion of 198 acre-feet annually and 59,400 acre feet total over a 300-year period from the not nontributary Dawson aquifer. According to the decree, the allowed withdrawal from each Dawson aquifer well is limited to 0.7 acre-feet/year/lot totaling 198 acre-feet/year for the 283 lots for the entire development. The in-house use is limited to 84.9 acre-feet/year while the irrigation of individual lots and open space land is limited to 113.1 acre-feet/year. According to the augmentation plan, no Dawson aquifer well approved pursuant to the plan for augmentation shall be allowed to pump

water for any purpose unless it is also used in a residence on the lot on which such well is located, or for irrigation of open space lands.

The Applicant obtained well permit no. 81145-F for the amount of water transferred to the Applicant in case no. 04CW098 in the Arapahoe aquifer (239 acre-feet). The use of ground water from this well is limited to municipal, industrial, domestic, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and augmentation purposes. It appears that this well will be used within the development for the golf course. The Applicant has obtained an augmentation plan decreed in Division 2 Water Court case no. 18CW3043, which allows for an average diversion of 201 acre-feet annually and 38,190 acre-feet total from years 111 through 300 to irrigate the golf course using not nontributary Denver aquifer ground water decreed in Division 1 Water Court case no. 04CW098. The augmentation plan from case no. 18CW3043 was needed to meet the County's 300 year water supply requirement.

Additionally, the Applicant also obtained a supplemental augmentation plan decreed in case no. 24CW3169, which allows for an average diversion of 21.36 acre-feet annually and 8,740 acre feet total over a 300-year period from the not nontributary Dawson aquifer. According to the decree, the allowed withdrawal from each Dawson aquifer well is limited to 0.7 acre-feet/year/lot and 1.76 acre-feet/year for a horse facility totaling 21.36 acre-feet/year for an additional 28 lots and horse facility. The in-house use is limited to 8.4 acre-feet/year, the horse facility is limited to 1.76 acre-feet/year, and the irrigation of individual lots and open space land is limited to 11.20 acre-feet/year. According to the augmentation plan, no Dawson aquifer well approved pursuant to the plan for augmentation shall be allowed to pump water for any purpose unless it is also used in a residence on the lot on which such well is located, or for irrigation of open space lands.

Although not mentioned in the referral documents, the Applicant has submitted an application for a new augmentation plan in Division 1 Water Court case no. 26CW3062 to serve Filing 9 of Flying Horse North subdivision. Based on correspondence with the Applicant's consultant (Craig Lis with Martin & Wood Consultants), the Applicant proposes to allow for an average diversion of 15.4 acre-feet annually and 4,620 acre feet total over a 300-year period from the not nontributary Dawson aquifer. At the time of this letter, case no. 26CW3062 is pending approval by the Division 1 Water Court.

Additional Comments

The application materials indicate that three stormwater detention structures will be constructed as a part of this project. The applicant should be aware that unless the structures can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

State Engineer's Office Opinion

Based on the above and pursuant to section 30-28-136(1)(h)(I), C.R.S. and section 30-28-136(1)(h)(II), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the potential for causing material injury to

decreed water rights, or the adequacy of the proposed water supply. Prior to further review of the subdivision water supply plan the following information is required:

1. Clarification on the water demand for Filing 9 and the source of the water supply that satisfies El Paso County's 300-year water supply requirement. The Water Supply Information Summary Sheet for Filing 9 and the overall subdivision that was included in the application documents does not match the demand amounts from the April 3, 2026 Water Resources Report.
2. Clarification whether any remaining decreed water rights in case nos. 94CW023(B) and 2004CW098 will be dedicated to Filing 9 and whether Filing 9 will be supplied by individual on lot wells from the Dawson aquifer that will operate in accordance with the augmentation plan in pending case no. 26CW3062.

Should you have any questions, please contact Michael Matz at this office at 303-866-3581 x8241 or michael.matz@state.co.us

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Vargas-Johnson', with a long horizontal flourish extending to the right.

Javier Vargas-Johnson, P.E.
Chief of Water Supply

Ec: Subdivision File 34737