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El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Falcon Meadows at Bent Grass Fil 4

El Paso County Planning and Community Development Department:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (the "UBSC District"), a formed and operating ground water management district with the powers enumerated in the Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et seq.* The UBSC District has reviewed the Falcon Meadows at Bent Grass Fil 4 (the "Project") submitted by Galloway & Company, Inc. ("Applicant") requesting approval of a SF/Final Plat for Falcon Meadows at Bent Grass Filing No. 3, which will add 39 lots, 7 tracts of varying use, and public right of way, on a 10.42 acre site and provides the following comments for your review and consideration:

1. Management and Use of Designated Groundwater.

The Colorado Ground Water Management Act of 1965, C.R.S. § 37-90-101 *et seq.*, created the Colorado Ground Water Commission ("Commission") and provided for the formation of groundwater management districts within designated basins. Together, the Commission and the local groundwater management district administer designated groundwater in a coordinated manner.

Under the 1965 Act, the Commission, not the water court, has jurisdiction to determine the right to withdraw designated groundwater. The Commission has promulgated rules and regulations, the "Designated Basin Rules," 2 CCR 410-1, for the management and control of designated groundwater and are binding on all users of designated groundwater. Groundwater management districts may also establish rules for the management and control of designated groundwater that are applicable to the withdrawal and use of designated groundwater. For example, within the boundaries of a groundwater management district, the district has the authority to administer designated groundwater priorities, issue curtailment orders, and further limit withdrawals.

The UBSC District is a groundwater management district formed and operating under the Colorado Ground Water Management Act. Pursuant to its statutory authority, the UBSC

District has established rules, regulations, and policies, available to view on the UBSC District's website.¹ Applicant should review all UBSC District rules, regulations, and policies.

2. Compliance with UBSC District Rules.

The Project is located within the UBSC District's boundaries and therefore Applicant must comply with all UBSC District rules and regulations. Specifically, Applicant must comply with:

UBSC District Rule 17. Rule 17(B) imposes the following limit on withdrawals from large capacity wells in subdivisions:

Withdrawals shall not exceed 0.5 acre-feet per year per single family residence, single condominium unit, apartment unit, single unit with a multiple-dwelling unit, or equivalent within the Subdivision or cluster development supplied by the well. In the event a Subdivision or cluster development is supplied by multiple wells, production from all wells supplying the subdivision or cluster development shall not exceed the product of (the number of single family residences, single condominium units, apartment units, single units within a multiple-dwelling unit or equivalent within the Subdivision)X(.5) acre feet per year. In no event shall production from the well exceed the rate or amount set forth in any determination of water rights issued for the well by the Colorado Ground Water Commission.

Applicant is responsible for complying with all UBSC District rules and regulations, not just Rule 17.

3. Shallow Groundwater and Underdrains.

Shallow groundwater exists throughout much of the UBSC Basin, including the area underlying this proposed development. Applicant should investigate the existence of shallow groundwater under each proposed lot. Structures developed in areas with high groundwater require underdrains to capture and drain water that would otherwise flood those structures. Under the Ground Water Commission's Designated Basin Rules, underdrains are considered large capacity wells and require a large capacity well permit. Any such large capacity well permit will require a replacement plan that meets the requirements of Designated Basin Rule 5.6, including by replacing evaporation and evapotranspiration associated with the exposure of groundwater caused by the underdrain.

4. Denver Basin Groundwater.

Denver Basin groundwater is a non-renewable source, and it is well known that the Denver Basin water supplies are diminishing and may not be available in the future. Accordingly, Applicant should seek renewable sources of water and minimize reliance on Denver Basin groundwater to supply the Project.

¹UBSC District, *Rules, Regulations and Statement of Policy*, https://upperblacksquirrelcreekwater.com/reg_rules.php.

The UBSC District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Respectfully,

A handwritten signature in blue ink that reads "LOBi". The letters are stylized and cursive.

Lucas O'Brien
for
TROUT RALEY