NORTH TREE ANNEXATION

TOWN OF CALHAN
EL PASO COUNTY, COLORADO

PRELIMINARY UTILITY REPORT

NOVEMBER 11, 2026

Prepared by:

Kimley»Horn

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GENERAL LOCATION AND PROJECT DESCRIPTION

This Preliminary Utility Report covers the demands and design of the water and sewer services for the North Tree Single Family Development (herein referred to as "the Project/Site"). This report demonstrates that the proposed water and sanitary sewer infrastructure for this Project will be sufficient to service the development. Water and sanitary sewer mainlines will be owned and maintained by the Town of Calhan and fire protection will be provided by Calhan Fire Department.

SITE LOCATION

The Project Site is located in Northwest quarter of Section 2, Township 12 South, Range 62 West of the 6th Principal Meridian, Town of Calhan, County of El Paso, State of Colorado (see Vicinity Map below). More specifically, the Site is generally bound by the following:

North:	McClasky Road
East:	Single Family / Golden Street
South:	Vacated Right-Of-Way
West:	Vacant Land

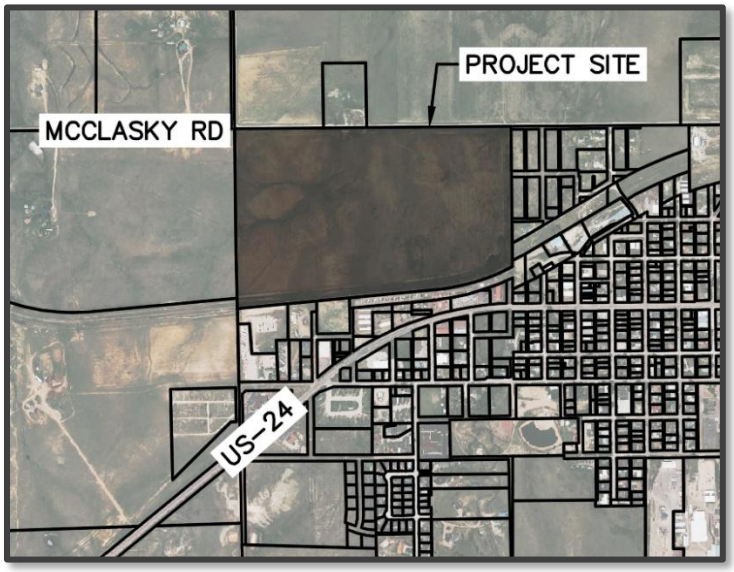


Figure 1: Vicinity Map (N.T.S.)

DESCRIPTION OF PROPERTY AND LAND USE

The entire North Tree Single Family Development consists of approximately 95.9989 acres of land per the pending annexation into the Town of Calhan. The proposed development plans to build out approximately 467 single family homes and tracts dedicated to parks and a potable water well. Site improvements for the development include the construction of the aforementioned buildings, utilities, storm sewer, landscaping improvements, and internal private drives. Utility easements will be provided for utilities outside the public ROW as required by the utility agencies. A detailed map of the subject property is shown in **Appendix A.**

INFORMATION REGARDING SUFFICIENT QUANTITY OF WATER

PROPOSED NORTH TREE POTABLE WATER DEMANDS

Proposed water demand was estimated based on the potential range per single family equivalent (SFE) provided by the Town's water attorney, of 0.35 ac-ft/Yr/SFE per recent Town of Calhan established ordinance. This development type is in line with the Town of Calhan Comprehensive Plan 2035 that was unanimously approved by the Board in 2025.

Park irrigation demand was estimated based on an irrigated area equal to 30 percent of the approximate 6-acre park areas, with irrigation demand applied on a per-irrigated-acre basis. The SFE demand assumptions utilized are also in line with the Town's water demand generation factor of 0.35 ac-ft/yr/SFE. In addition to the water demand per household, North Tree also included estimation for park irrigation for a conservative estimate of anticipated total water demands for the development at full buildout. A summary of the calculations can be found in **Table 1** below.

Table 1: North Tree Water Demand Calculations

Land Type	*Units*	*Unit Demand*	*Total Demand*	
	(Lots)	*(Ac-ft/yr/SFE)*	*(Ac-ft/yr)*	*(GPD)*
Single Family Residential	467	0.35	163.5	145,941
	(AC)	*(Ac-ft/yr/AC)*	*(Ac-ft/yr)*	*(GPD)*
Park Irrigation	*1.8*	*2.46*	*4.4*	3,953
Total:			***167.9***	***149,894***

Fire flow for the proposed system was assumed to be 1,500 GPM. Within the hydraulic modeling section below, this flow was evaluated at all existing fire hydrants to evaluate if a residual pressure of over 20 psi was feasible.

NORTH TREE WATER RIGHTS

The proposed North Tree annexation is underlain by Denver Basin groundwater within the Denver, Arapahoe, and Laramie-Fox Hills aquifers. Based on the Colorado Division of Water Resources Aquifer Determination Tool, the North Tree property was initially estimated to contain annual appropriations of 29.6 acre-feet (ac-ft) from the Denver aquifer, 35.4 ac-ft from the Arapahoe aquifer, and 33.0 ac-ft from the Laramie-Fox Hills aquifer when evaluated using a 100-year aquifer life. However, for purposes of demonstrating a long-term municipal supply, the assessment applies a 300-year aquifer-life criterion, which reduces the corresponding annual supplies to approximately 9.9, 11.8, and 11.0 ac-ft/year, respectively, or 32.7 ac-ft/year before consideration of existing water-right conflicts.

The Laramie-Fox Hills supply is further constrained by the Town of Calhan's existing pre-Senate Bill 213 (pre-SB 213) water rights. Calhan operates three permitted Laramie-Fox Hills wells, Permit Nos. 9691-F-R, 12104-F, and 24160-F, with the 9691-F-R and 12104-F rights predating SB 213. Because these pre-SB 213 rights are not tied to the overlying land, their existing areas of appropriation must be considered

when determining groundwater available beneath North Tree. Approximately 24 percent of the North Tree property lies within the existing circle of appropriation associated with Permit No. 9691-F-R, reducing North Tree's appropriable Laramie-Fox Hills supply from 33.0 to approximately 25.0 ac-ft/year on a 100-year basis and from 11.0 to approximately 8.3 ac-ft/year under the 300-year criterion. Accordingly, the report identifies approximately 30.0 ac-ft/year of legally available Denver Basin water beneath North Tree after application of the 300-year criterion and the pre-SB 213 overlap.

Importantly, the Laramie-Fox Hills water should not necessarily be counted as a practically available development supply. The assessment cautions that seeking a new Laramie-Fox Hills appropriation could jeopardize Calhan's pre-SB 213 status, and the remaining North Tree allocation of approximately 8.3 ac-ft/year may not be economical to develop as a standalone well.

Therefore, the North Tree Denver and Arapahoe supplies, totaling approximately 21.7 ac-ft/year under the 300-year criterion, are more readily incorporated into larger municipal wellfields, while development of the North Tree Laramie-Fox Hills supply remains uncertain. On this basis, the economically available water beneath the annexation property as approximately 21.7 ac-ft/year, equivalent to approximately 62 SFEs at the Town's 0.35 ac-ft/SFE/year planning criterion. This quantity of water does not cover the anticipated development demands at full buildout. If allowed by the Town, North Tree intends on utilizing a portion of the Town's existing water rights to supplement the anticipated water demand.

Moore Engineering produced *the Infrastructure Capacity Assessment for Proposed Annexation* report dated October 2026. This report will be referred to as "Moore Impact Report". The above description of North Tree's available water rights is in line with the Moore Impact Report findings. Upon annexation, all North Tree water rights will be transferred to the Town as required by the annexation agreement.

EXISTING TOWN OF CALHAN WATER SYSTEM AND OPERATIONS

The Town of Calhan (Town) owns and operates a municipal potable water system that serves customers within the incorporated Town and surrounding service area. The system relies entirely on groundwater supplied by deep bedrock wells completed in the Laramie-Fox Hills Aquifer and shallow alluvial wells completed within the Big Sandy Creek alluvium.

Groundwater from the Town's wells is conveyed through the existing transmission and distribution system to residential and commercial customers. Water storage is provided by two 350,000-gallon storage tanks located southwest and southeast of Town. The tanks operate together within a single pressure zone and provide system balancing, operating storage, and support for fire-flow conditions. The Town distribution system primarily consists of 10-inch transmission mains from the tanks to the distribution system, and a variety of 4-inch – 8-inch diameter pipes within the system. The hydraulic model for the system represents the existing wells, tanks, distribution mains, customer demands, and other appurtenances necessary to evaluate current system performance and the effect of the proposed North Tree development. The project site is currently undeveloped farmland with no existing potable water wells or on-site water supply. The proposed water service will be provided by a connection to the existing water main within the Town of Calhan's water system located in Crystola Street, south of the site. Proposed connections to the Town of Calhan's existing water infrastructure are outlined in **Appendix A.**

EXISTING TOWN OF CALHAN POTABLE DISTRIBUTION SYSTEM

Kimley-Horn was asked to assist Moore Engineering in the evaluation of the existing distribution system and the required improvements that would need to be made in order to service the development. Detailed descriptions of the model building, calibration, evaluation techniques, and results used by Kimley-Horn are provided in the Moore Impact Report.

In summary, the existing distribution system was evaluated using historical billing data and available infrastructure information under both max day demand and fire flow conditions to confirm that pressures were sufficient to maintain an appropriate level of service for all customers in existing service conditions prior to the addition of the proposed development. Appropriate pressure ranges are 40-120 psi for normal operations and 20-120 psi for fire flow conditions. Pressures within the existing distribution system were acceptable under normal operating conditions. Under fire flow conditions, most existing hydrant locations could provide 1,500 gpm of available fire flow at 20 psi residual pressure; however, 10 hydrants within the existing system did not meet this requirement. The areas with identified fire flow issues are shown in **Appendix B**.

North Tree is not responsible for correcting existing water system deficiencies as part of the infrastructure upgrades required to serve the development.

EXISTING TOWN OF CALHAN POTABLE WATER SUPPLY

Calhan holds water rights in four aquifers within the Denver Basin: Big Sandy Alluvial (BSA), Denver, Arapahoe, and Laramie-Foxhills (LFH). These aquifers include both not non-tributary and non-tributary groundwater sources, which are distinguished by the degree to which surface water influences aquifer recharge. The BSA and Denver aquifers are classified as not non-tributary, meaning they receive recharge from precipitation and surface water infiltration. The Arapahoe and LFH aquifers are classified as non-tributary, meaning they are confined, have limited connection to surface water, and recharge slowly; therefore, they are generally considered non-renewable sources. Because the BSA and Denver aquifers are renewable sources, withdrawals from these aquifers require replacement of at least 4 percent of the withdrawn volume to surface water bodies to supplement natural recharge. The Town has existing potable water wells in BSA and LFH only.

Testing on three existing permitted Town of Calhan wells was performed from late May to early June of 2026 by Moore Engineering and was observed by Kimley-Horn. The purpose of this testing was to assess available quantity of water supply using existing infrastructure and quality of water produced. As part of this testing, constant rate tests, step tests, and water quality tests were performed on the Railroad alluvial well (RRA), Permit No. 9692-F; the Railroad Laramie-Foxhills (LFH) well, Permit No. 24166-F; and the Tower LFH well, permit 9691-FR. Findings from the tests performed are summarized in **Table 2**.

Table 2: Summary of Water Availability from Moore Engineering Study

Well	Permit No.	Aquifer	Water Right		Tested Availability	
			(ac-ft/yr)	(gpm)	(ac-ft/yr)	(gpm)
Inactive Alluvial Well	9690-F	Upper Big Sandy	41	96	Abandoned	Abandoned
Railroad Alluvial (RRA)	9692-F	Upper Big Sandy	77	48	Unknown	Unknown
Railroad	24166-F	Laramie-Foxhills	160	100	250	155
Tower	9691-RF	Laramie-Foxhills	175	109	81	50
Gordon	12104-FP	Laramie-Foxhills	127	70	Not Tested	Not Tested
		Total	**580**	**423**	**331**	**205**

Calhan holds 118 ac-ft of Upper Big Sandy Alluvial Aquifer water rights under active permits 9690-F & 9692-F. The well under Permit No. 9690-F is abandoned and was not evaluated by Moore Engineering. The antiquated RRA well was nonfunctional and lacked a pump during testing. Potential improvements include new casing, a submersible pump, or raw water line replacement, with further testing needed to confirm production capacity.

The Tower LFH well currently produces 50 gpm, near its limit under existing conditions and well below its permitted rate under Permit No. 9691-RF. Moore Engineering attributes this reduced output to likely degradation since installation in 1992 rather than aquifer conditions, given the nearby Railroad LFH well's efficient production above its permitted capacity from the same aquifer. Pumps in both wells sit substantially above the well bottoms.

Calhan also operates the Gordon LFH well (Permit No. 12104-FP), permitted for 79 gpm and reportedly producing approximately 70 gpm. Its yield was not estimated because of variability between the two tested LFH wells; further testing is needed to confirm capacity.

The three active LFH wells (Railroad, Tower, and Gordon) have an estimated combined capacity of 275 gpm, but the Railroad well requires a modified CGWC (Colorado Groundwater Commission) order to exceed its 100-gpm production limit. Moore Engineering recommends full rehabilitation of all LFH wells through bailing, chemical treatment, mechanical scrubbing, surging, and pumping, along with replacing and lowering pumps to increase and sustain flow rates.

Additionally, to increase potential water supply, the Town could also develop its existing Denver and Arapahoe water rights, of which there is anticipated to be 300 ac-ft/yr cumulatively available, not including the estimated supply associated with the proposed North Tree Annexation.

The Moore Impact Report provided clarity on the Town's currently available water rights, considering the SB213 conflicts and reasonability developable aquifers. Additional detail can be in the Moore Impact Report, in summary existing active permits include approximately 462 ac-ft/yr from the Laramie-Fox Hills

aquifer and 77 ac-ft/yr from the Big Sandy Alluvial aquifer, for a total permitted supply of approximately 539 ac-ft/yr. Calhan also holds undeveloped Denver and Arapahoe aquifer rights estimated to provide approximately 300 ac-ft/yr, resulting in approximately 839 ac-ft/yr of existing Town-owned water rights and potential supply, exclusive of groundwater associated with the North Tree property. The 300-year aquifer-life criterion used to evaluate new Denver Basin groundwater beneath North Tree is not explicitly applied in the assessment to recalculate Calhan's existing water rights; therefore, the 839 ac-ft/yr should not be characterized as a 300-year-rule yield without additional water-right documentation.

As a recent update to further clarify the water supply available for the North Tree development, Moore Engineering provided additional information regarding the Town of Calhan's existing Denver Basin water rights in late October 2026. This information can be considered by North Tree as part of the evaluation of its water request and the Town's ability to provide supplemental water beyond the rights associated with the annexation property.
The Town holds groundwater rights within the Denver, Arapahoe, and Laramie-Fox Hills aquifers. Based on the recent water supply evaluation provided by Moore Engineering, the estimated annual supply includes approximately 154 ac-ft/yr from the Denver aquifer, 194 ac-ft/yr from the Arapahoe aquifer, and 182 ac-ft/yr from the Laramie-Fox Hills aquifer. **Collectively, these sources represent approximately 530 ac-ft/yr of available Denver Basin groundwater that may be considered in evaluating the Town's available water supply and the North Tree water request.**

Several factors were considered in determining how North Tree's available water rights would be attributed and how the development would affect the Town of Calhan's water supply. As outlined in the North Tree Water Rights section of this report, North Tree's own water rights provide 21.7 ac-ft/year, equivalent to approximately 62 SFEs at the Town's 0.35 ac-ft/SFE/year planning criterion. North Tree proposes to reach an agreement with the Town to use Calhan's existing rights to meet the remaining demand of 145.07 ac-ft/year. The table below shows the total number of units supportable by the Town's existing developable rights combined with North Tree's contribution.

Table 3: Calhan Water System Availability – Supportable SFEs

	Town of Calhan Permitted Water Rights (ac-ft/yr)	Existing Town of Calhan Demand (ac-ft/yr)	Remaining Permitted Water Supply* (ac-ft/yr) 100 YR Rule	Remaining Permitted Water Supply* (ac-ft/yr) 300 YR Rule	North Tree Water Developable Water Rights (ac-ft/yr) 300 YR Rule	Total Permitted Water Rights (ac-ft/yr) 300 YR Rule	*Total Supportable Units (0.35ac-ft/yr/SFE)*
LFH + Denver + Arapahoe	530	80	450	150	21.7	171.7	491

**Remaining available water supply represents the Existing Town of Calhan Demand subtracted from the Permitted Water Rights.*

As shown in the table above, the combination of Calhan's existing water rights and North Tree's contributions will be sufficient in providing the anticipated buildout demand of 168 ac-ft/yr.

INFORMATION REGARDING SUFFICIENT DEPENDABILITY OF WATER SUPPLY

North Tree holds water rights beneath the proposed annexation area, as described throughout this report. A Groundwater Title Opinion in **Appendix C** outlines the legal basis for ownership of the rights to be transferred to Calhan upon annexation. The Town's existing water rights are expected to supply the remaining demand.

INFORMATION REGARDING SUFFICIENT QUALITY OF WATER

During Moore Engineering's testing, water quality samples from the RRA and Railroad LFH wells were analyzed for primary and secondary drinking water MCLs, general cations/anions, and TDS. Results indicated that LFH water quality is generally better than the alluvial supply, with the Railroad LFH well meeting all tested MCLs and exhibiting low TDS. The RRA well showed manganese above the secondary MCL and elevated TDS, which are not anticipated to pose health concerns at current concentrations but may affect taste or cause staining. If alluvial supplies are developed, blending with LFH water is recommended to reduce manganese and TDS concentrations or additional treatment measures should be installed at the alluvia well sites.

NORTH TREE IMPACTS ON CALHAN'S WATER SYSTEM

As outlined in the Moore Impact Report, the proposed demands for the development were applied to the hydraulic model to understand the impact on the existing system and the required upgrades to service the anticipated North Tree demands.

In summary, the pressures within the connected proposed and existing distribution system for services were between 53-96 psi and a maximum velocity of 0.99 ft/s. Fire flow analysis was evaluated on the existing system and proposed development system connecting to the town's existing distribution system to identify if future fire flow demands can be met. All nodes within the proposed development could provide 1,500 gpm of available fire flow at 20 psi residual pressure with 10-inch pipe connections to the existing system to service the North Tree property.

The fire flow issues area identified in the existing system analysis were still present with the connection of the proposed system however, with the addition of the proposed development, two additional hydrants in the existing system failed to meet the fire flow requirements. This area is identified along with the existing system fire flow issues areas in **Appendix D.**

SANITARY SEWER SYSTEM

EXISTING SANITARY SEWER SYSTEM

The project site currently consists of vacant farmland and does not have any existing sanitary sewer infrastructure. An existing wastewater treatment plant is located east of the site and would receive flows from the proposed development.

The wastewater treatment plant has a permitted hydraulic capacity of 0.08 MGD (80,000 GPD). Based on operational data from 2025, the facility generally operates between 68 and 78 percent of permitted capacity. Sustained flows above approximately 64,000 GPD (80 percent of capacity) would require coordination with CDPHE regarding capacity planning or system upgrades.

PROPOSED SANITARY SEWER SYSTEM

Wastewater generated by the development will be conveyed through proposed sanitary sewer infrastructure throughout the site before being collected by the existing infrastructure adjacent to the development and ultimately discharging to the existing wastewater treatment plant.

The proposed layout for the sanitary sewer system was determined by evaluating the existing grade, the flow direction in the areas of the proposed housing plots, and the existing sanitary sewer infrastructure.

In general, the existing grade facilitates flow towards the northeast corner of the site, towards the intersection of McClasky Road and proposed access point. The flow would then be collected into the proposed sewer main along McClasky Road, and flow eastward into the existing lagoon treatment facility.

The proposed sanitary sewer alignments were evaluated for feasibility using surveyed existing manhole elevations, existing grades, and proposed grading information. The layout was developed based on a minimum slope of 0.5 percent and a minimum cover of 7 feet. Based on the available data and applicable design criteria, the proposed alignment is feasible, and flows are anticipated to discharge directly to the treatment facility through the proposed piping without impacting the existing collection system.

NORTH TREE ANTICIPATED SANITARY SEWER FLOWS

Sanitary sewer demand calculations were prepared under the assumption that 80 percent of the total household water demand would be returned to the sanitary sewer system. 80 percent of the unit water demand generation factor was implemented. Results from this calculation are shown in **Table 4**, below.

Table 4: EPC Land Development based Sewer Return Rate

User Type	Unit Count	Unit Demand	Total Average Daily Demand			
	(Lots)	(AC-FT/Yr/Lot)	(AC-FT/Yr)	(AC-FT/Day)	(GPD)	(MGD)
Household	467	0.20	93.4	0.26	83,394	0.08

EXISTING SANITARY SEWER CAPACITY ANALYSIS

The Calhan WWTF operates under a permitted hydraulic capacity of 0.08 million gallons per day. Under its existing permit, current hydraulic capacity of the plant is calculated as a 30-day average. Based on available flow monitoring data, highest 30-day average capacity recorded at the facility was 0.0624 MGD, representing approximately 78 percent of the permitted capacity.

CDPHE regulations require a facility expansion planning schedule once a plant reaches 80 percent of its permitted hydraulic or organic capacity, unless the exceedance is proven to be an anomaly. The 2 percent difference between 80 percent of permitted hydraulic capacity and the current peak month capacity is approximately 0.001593 MGD (1,593 GPD), which is the flow the proposed development could add before upgrade planning is required.

CDPHE regulations require a facility expansion construction schedule once a plant reaches 95 percent of its permitted hydraulic or organic capacity, unless the exceedance is proven to be an anomaly. The difference between 95 percent of permitted hydraulic capacity and the current peak capacity leaves approximately 0.01359 MGD (13,559 GPD), which is the flow the proposed development could add before a construction schedule for upgrades is required.

The number of additional single-family residential units the facility could support within its existing permitted capacity before CDPHE would require planning and construction timelines was estimated using the projected sanitary sewer flows described above, with results shown in **Table 5**. Based on the most conservative estimate, the Calhan WWTF could support 7 single-family residential units before reaching 80 percent hydraulic capacity, at which point design of an upgraded or new facility must begin, and 67 units before reaching 95 percent, at which point construction of upgrades or a new facility must begin.

Table 5: Calhan WWTF Capacity for New Single-Family Equivalents

% Capacity of Existing Plant	Available Capacity (GPD)	SFEs before capacity reached
80%	1,593	8
95%	13,593	73

Note that these estimations are based solely on hydraulic capacity and do not take into account the permitted organic capacity. No exceedances of the permitted hydraulic or organic capacity were observed in the monitoring data provided from January 2025 to December 2025, however, data for the existing facility on the CDPHE website indicates that there have been several exceedances of the organic capacity limit in previous years. It is assumed that the prior exceedances were anomalies and that the hydraulic capacity of the existing WWTF is the limiting factor when analyzing available capacity.

NORTH TREE IMPACTS ON CALHAN'S SEWER SYSTEM

Per the proposed development plan, sanitary sewer flows will be conveyed through a new sewer main to the existing treatment plant site, so no impacts to the existing sewer collection system are anticipated. Calhan is currently working with Moore Engineering to evaluate treatment plant design alternatives and potential grant funding. Once the Town selects a design approach and confirms grant funding, North Tree is committed to contributing equitably toward the cost of the upgrade.

CONCLUSION

The North Tree development is proposed to proceed in five phases, ultimately providing approximately 467 residential SFEs. Phase 1 includes 62 SFEs and is specifically sized around the water supply available from the groundwater rights underlying the North Tree property. This initial phase can be served by the existing Town water system, with the North Tree well site dedicated and distribution connections completed. The existing wastewater treatment system also has sufficient capacity to accommodate Phase 1, although wastewater planning thresholds are reached early in development.

Phase 2 increases the development to 150 cumulative SFEs and triggers the first major utility improvements, including rehabilitation of the Town's three existing Laramie-Fox Hills wells, construction and operation of the first new Arapahoe production well, and initiation of construction of the new wastewater treatment plant. Phase 3 increases development to 250 SFEs and requires the new wastewater treatment plant to be in service, subject to final coordination with the Town and MEI. Phase 4 increases development to 360 SFEs and requires a second production well to be operational to provide additional capacity and redundancy. Phase 5 completes buildout at 467 SFEs, with no additional major facilities identified beyond those constructed during the preceding phases.

A key component of the phasing strategy is that development cannot advance ahead of either its water supply or supporting infrastructure. Before each phase is released, the Town engineer is to verify that the cumulative water supply is sufficient for all approved units and that the required facilities are operational. If North Tree does not provide the required supplemental water or an agreed fee-in-lieu for a phase, that phase and subsequent phases cannot proceed. This creates a phased development approach in which water supply and infrastructure improvements remain directly tied to the pace of construction. Further detail on the phasing plan and overall water solution is included in **Appendix E**.

WATER SYSTEM SOLUTION

North Tree presents a viable approach to meeting its long-term water demands by combining water rights contributed by the development with available capacity in the Town of Calhan’s existing system. At annexation, North Tree will convey the underlying Denver, Arapahoe, and Laramie-Fox Hills groundwater rights to the Town. Under the Town’s 300-year planning criteria, the Denver and Arapahoe rights provide approximately 21.7 ac-ft/yr of credited supply, sufficient to serve the initial 62 SFEs. Total projected demand at full buildout is approximately 168 ac-ft/yr.

For the remaining demand, North Tree requests that the Town consider using its existing available water rights and production capacity, with North Tree supplying supplemental water for any shortfall. Each acre-foot provided by the Town would reduce the supplemental water North Tree must acquire. This approach aligns with the Town of Calhan Comprehensive Plan 2035. As described in the Existing Town of Calhan Potable Water Supply section, the Town’s existing water rights could support 491 additional SFEs beyond North Tree’s transferred rights, after accounting for the conflicting LFH rights and existing Town use.

Only targeted improvements to the existing water system are anticipated: rehabilitation of the Town’s three Laramie-Fox Hills wells, two distribution connections to the Town system, and new production wells as development progresses. Existing storage is adequate at buildout. North Tree will fund and incorporate

these improvements into its construction program so they are implemented in step with development rather than burdening the Town. Overall, this provides a phased, flexible water solution in which North Tree brings its own water resources, uses existing Town resources where mutually agreed, and builds the infrastructure needed to reliably serve the development.

SEWER SYSTEM SOLUTION

The existing Town wastewater system provides sufficient capacity to support the initial phase of North Tree development; however, additional treatment capacity will be required as development progresses. The current system is estimated to accommodate approximately 67 to 73 additional residential units before reaching 95% of its hydraulic capacity. As the plant is currently operating just under 80% capacity, the Town should be starting design for treatment improvements. It is understood that the Town is currently working with Moore Engineering on design alternatives as step one of treatment improvements process. The North Tree phasing plan would require the treatment plan improvements to be active during Phase 2. North Tree is committed to assisting Calhan on the design and construction process, which details will be agreed upon in the Annexation Agreement.

REFERENCES

How We Use Water, EPA, August 2025.

Town Of Calhan – Existing Water Lines, HR Green, August 2024.

Town of Calhan Comprehensive Plan 2035, HR Green, May 2025.

Water Master Plan, El Paso County, 2019 February.

Land Development Code, El Paso County, Revised February 2024.

Regulation NO. 43 - On-Site Wastewater Treatment System Regulation, State of Colorado, June 2025

Infrastructure Capacity Assessment for Proposed Annexation, Moore Engineering, October 2026

Tower Laramie-Fox Hills Well, Railroad Alluvial Well and Railroad Laramie-Fox Hills Well Testing Memorandum, Moore Engineering, June 2026

APPENDIX A – DEVELOPMENT PLAN

NORTH TREE
GENERAL DEVELOPMENT PLAN
ALL OR PART OF NW4 OF SEC 02-12-62 LY N OF C/L OF FORMOR CHICAGO, ROCK ISLAND & PACIFIC RR R/W
EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE OWNER(S) OF CERTAIN LAND IN
THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 62 WEST OF THE 6TH P.M., COUNTY OF EL
PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
A PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED, RECORDED AT RECEPTION NUMBER 202119491 ON JULY 23,
2002 OF THE OFFICE OF THE EL PASO CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF
SECTION 2, TOWNSHIP 12 SOUTH, RANGE 62 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO,
STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 2,
THENCE NORTH 89°29'24" EAST, COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 2,
A DISTANCE OF 2,602.91 FEET;
THENCE SOUTH 01°57'14" EAST, COINCIDENT WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF
1,373.01 FEET TO THE CENTERLINE OF A 200' ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD
RIGHT-OF-WAY AS DESCRIBED IN QUITCLAIM DEED, RECORDED AT BOOK 3914, PAGE 1082 ON SEPTEMBER 7, 1984
AND FURTHER DESCRIBED IN SPECIAL WARRANTY DEED, RECORDED AT RECEPTION NUMBER 002327291 ON JULY
26, 1993, IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, THENCE COINCIDENT WITH SAID
ABANDONED RAILROAD RIGHT-OF-WAY CENTERLINE AND THE SOUTH LINE OF SAID SPECIAL WARRANTY DEED,
THE FOLLOWING TWO (2) COURSES;

1. A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 17°26'53", A RADIUS OF 2864.93 FEET,
AN ARC LENGTH OF 872.45 FEET, A CHORD BEARING OF SOUTH 75°55'20" WEST, AND A CHORD DISTANCE OF
869.08 FEET;
2. SOUTH 84°38'34" WEST, A DISTANCE OF 1,773.74 FEET TO THE WEST LINE OF SAID SECTION 2,
THENCE NORTH 01°20'57" WEST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 1,726.53 FEET, TO THE POINT
OF BEGINNING;
CONTAINING 4,181,711 SQUARE FEET OR 95.9989 ACRES.

GENERAL NOTES:

1. ALL STREETS WILL BE LOCATED WITH APPROPRIATE REGARD TO TOPOGRAPHY, CREEKS, WOODED AREAS, AND OTHER NATURAL FEATURES WHICH WOULD ENHANCE ATTRACTIVE DEVELOPMENT.
2. THIS PROPERTY IS SUBJECT TO THE FINDINGS SUMMARY AND CONCLUSIONS OF A PRELIMINARY GEOLOGIC HAZARD REPORT PREPARED BY COLE GARDNER DATED JUNE 1, 2024.
3. CONTRIBUTIONS TO PUBLIC SCHOOL FACILITIES TO CALHAN SCHOOL DISTRICT WILL BE MET WITH FEES IN LIEU.
4. PARKLAND DEDICATIONS WILL BE BASED ON 0.035 AC OF LAND PER DU.
5. DETENTION POND LOCATION IS PRELIMINARY. FINAL LOCATION OF DETENTION POND WILL BE DETERMINED WITH THE PRELIMINARY PLAN.
6. UTILITIES SHOWN ARE APPROXIMATE. FINAL LOCATION OF UTILITIES WILL BE DETERMINED WITH THE PRELIMINARY PLAN. ALL WATER AND SANITARY SERVICES WOULD BE OWNED AND MAINTAINED BY THE TOWN OF CALHAN.

FEMA CLASSIFICATION:

1. THIS PROPERTY IS LOCATED WITHIN ZONE X AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FLOOD MAP PANEL 08041C0391H EFFECTIVE 12/7/2018. A SMALL PORTION OF THE PROPERTY LIES WITHIN AN A SPECIAL FLOOD HAZARD ZONE.

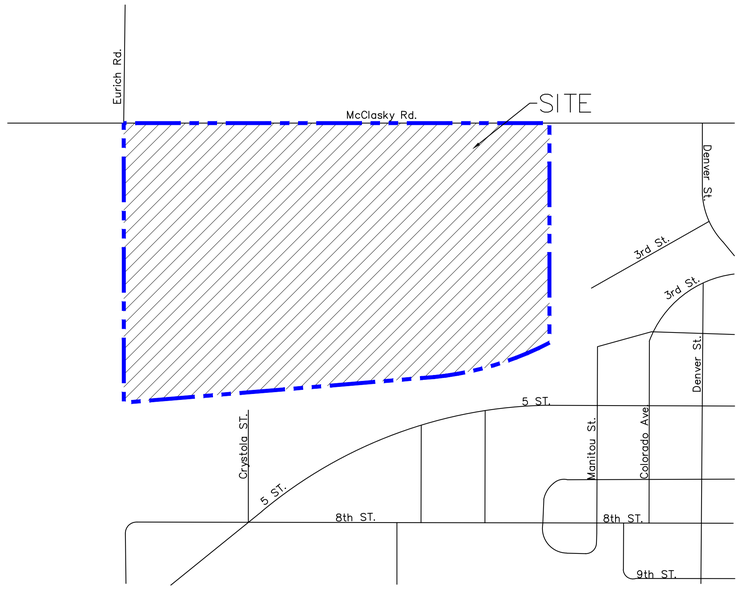
PROPOSED LAND USE DATA:

USE	NO. ACRES PROVIDED	% OF TOTAL PROPERTY
PUD	95.9989	100%

PARKLAND DEDICATION REQUIREMENTS:

USE	NO. ACRES REQUIRED	NO. ACRES PROVIDED	NO. ACRES FEE IN LIEU
RESIDENTIAL	16.345 AC (467 DU * 0.035 AC)	6 AC	10.345 AC

1. REMAINING PARKLAND DEDICATIONS WILL BE PROVIDED THROUGH FEE IN LIEU
2. EXACT PARKLAND DEDICATION ACREAGES WILL BE DETERMINED WITH THE PRELIMINARY PLAN



VICINITY MAP
NOT TO SCALE

NORTH

GENERAL DEVELOPMENT PLAN	
SHEET NO.	SHEET NAME
1	COVER SHEET
2	GENERAL DEVELOPMENT PLAN
3	SANITARY UTILITY PLAN

SITE DATA:

TOTAL SITE AREA:	95.9989 AC
TAX SCHEDULE NUMBER:	2202200009
EXISTING ZONE:	A-35 (EL PASO COUNTY)
PROPOSED ZONE:	PUD (TOWN OF CALHAN)
LAND USE:	DETACHED SINGLE FAMILY RESIDENTIAL
JURISDICTION:	TOWN OF CALHAN, CO
SITE ADDRESS:	0 E. HIGHWAY 24
BUILDING SETBACKS:	ESTABLISHED WITH PUD
MAX BUILDING HEIGHT:	35 FT/ ESTABLISHED WITH PUD
MAXIMUM LOT COVERAGE:	ESTABLISHED WITH PUD
LANDSCAPE BUFFERS:	ESTABLISHED WITH PUD
MASTER PLAN:	N/A

PROJECT CONTACTS:

DEVELOPER:
SMITH LAND DEVELOPMENT AND COMPANY, LLC
WILLIAM VANDERGRIFF
CONTACT: WILLIAM VANDERGRIFF
PHONE: 719-347-2276

OWNER:
SMITH LAND DEVELOPMENT AND COMPANY, LLC
WILLIAM VANDERGRIFF
CONTACT: WILLIAM VANDERGRIFF
PHONE: 719-347-2276

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
CONTACT: KEVIN KOFFORD, P.E.
PHONE: 719-453-0181

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
CONTACT: JEREMY FELDER, PLS
PHONE: 720-464-1877

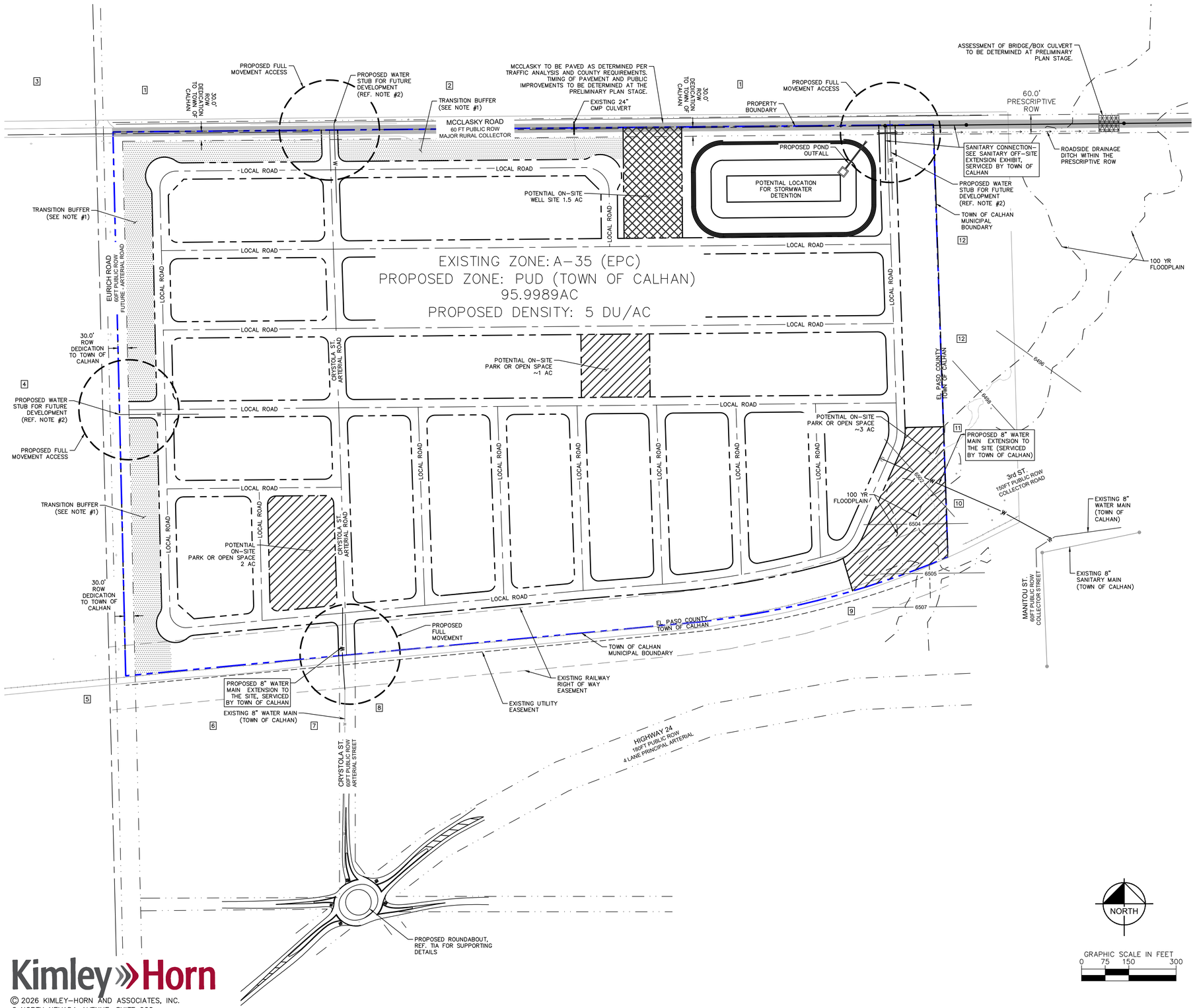
Kimley»Horn
© 2026 KIMLEY-HORN AND ASSOCIATES, INC.

2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

811 Know what's below. Call before you dig.

11/09/2026

K:\COS_Civil\296005001_North Tree Annexation\CADD\PlatSheets\LUP\North Tree LUP.dwg Nov 11, 2026 9:18am



LEGEND

- NORTH TREE PROPERTY LINE
- ADJACENT PROPERTY LINE
- APPROXIMATE ROW
- POTENTIAL PARK LOCATIONS
- POTENTIAL ON-SITE WELL LOCATION
- TRANSITION BUFFER
- BRIDGE CROSSING
- PAVING EXTENTS
- XXXX — BASE FLOOD ELEVATIONS (BFE)

LEGEND

1. PER EL PASO COUNTY DIRECTION, A BUFFER BETWEEN THE A-35 ZONE AND MORE DENSE RESIDENTIAL USE SHOULD BE PROVIDED. PUD DOCUMENT WILL DOCUMENT A BUFFER ZONE. THIS MAY BE IN THE FORM OF ONE OF THE FOLLOWING OR OTHER OPTIONS COORDINATED WITH EL PASO COUNTY AND THE TOWN OF CALHAN:
   - 1.1. LARGER LOT SIZE FOR EXTERIOR LOTS.
   - 1.2. LIMITING HOMES TO RANCH STYLE LAYOUTS
   - 1.3. PROVIDING LANDSCAPE BUFFERS OR ANOTHER TYPE OF SETBACK.
2. WATER MAIN EXTENSIONS SHALL BE PROVIDED AT ACCESS POINTS TO PROVIDE ACCESSIBILITY FOR FUTURE DEVELOPMENTS
3. ALL PROPOSED STREETS ARE TO BE PUBLICLY OWNED AND MAINTAINED

ADJACENT PROPERTY OWNERS

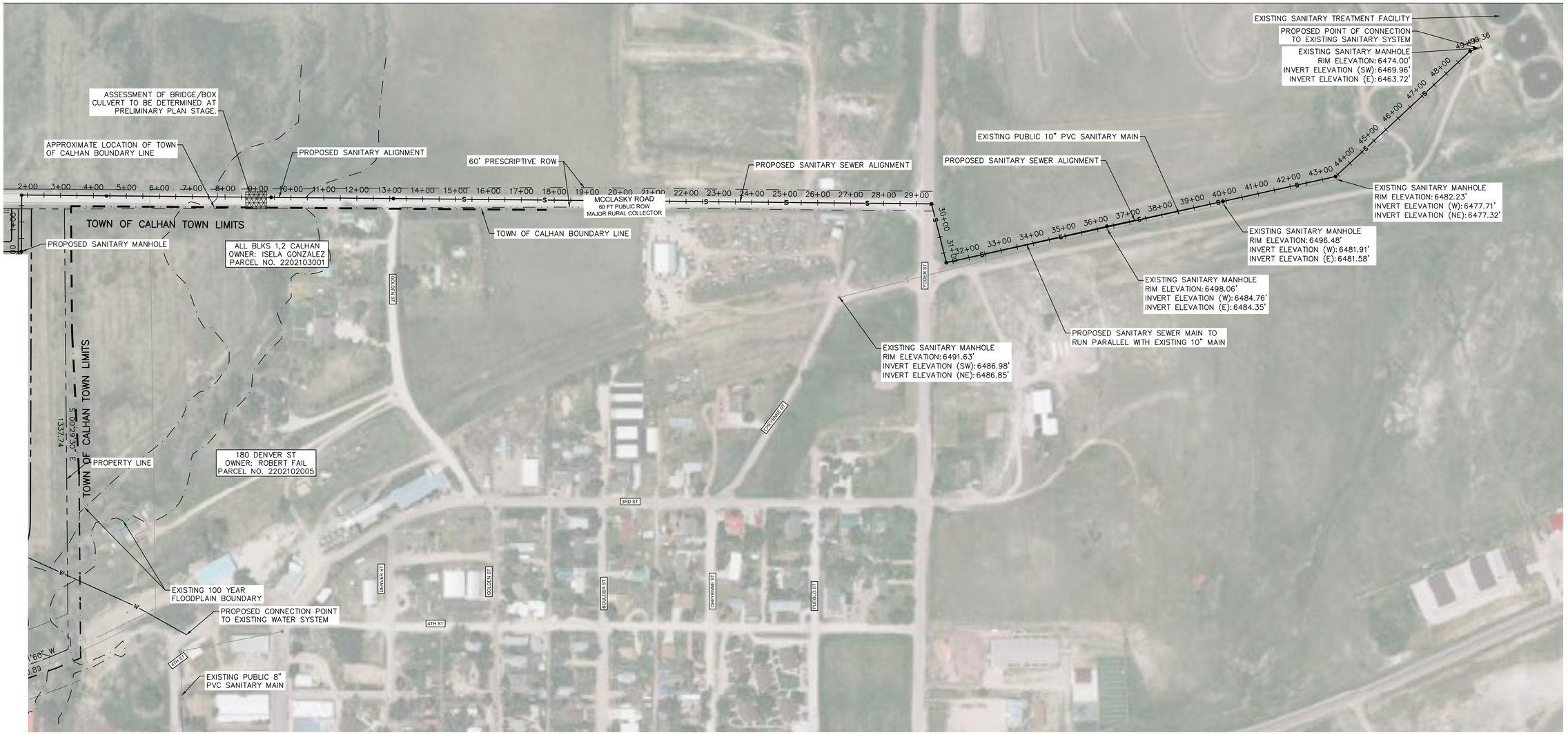
	OWNER	ADDRESS	USE	ZONE
1	ADAM M BALSICK	15640 N CALHAN HWY	DRY FARM LAND	A-35 (EL PASO COUNTY)
2	BAILEY R. BALSICK; GARRET M BALSICK	27990 MCCLASKY ROAD	DRY FARM LAND	A-35 (EL PASO COUNTY)
3	JERRY HARE; SUSAN HARE	27710 MCCLASKEY RD	GRAZING	A-35 (EL PASO COUNTY)
4	JEREMY W SHAVER; RIANA N SHAVER	27125 MCCLASKEY RD	GRAZING	A-35 (EL PASO COUNTY)
5	TAD T ULLOM; TAMARA ULLOM	27450 E HIGHWAY 24	GRAZING	A-35 (EL PASO COUNTY)
6	CALVIN M JOLLY; PATRICIA D. JOLLY	EIGHT ST.	SPECIAL PURPOSE	TOWN OF CALHAN
7	BANNISTER PAUL A	CRYSTOLA ST	MANUFACTURED HOUSING	TOWN OF CALHAN
8	CONTINENTAL PROPERTIES INC	CRYSTOLA ST	VACANT LAND, 1.0 TO 4.99	TOWN OF CALHAN
9	CONTINENTAL PROPERTIES INC	E HIGHWAY 24	RESIDENTIAL USE/ RECREATION	TOWN OF CALHAN
10	CALHAN TOWN OF	250 COLORADO AVE	EXEMPT NONRESIDENTIAL LAND - POLITICAL SUBDIVISION	TOWN OF CALHAN
11	FIELDS MELVIN; FIELDS AMBER	800 THIRD ST	SINGLE FAMILY RESIDENTIAL	TOWN OF CALHAN
12	GONZALEZ ISELA	MANITOU AVE	RESIDENTIAL	TOWN OF CALHAN

NORTH

GRAPHIC SCALE IN FEET
0 75 150 300

Kimley»Horn
© 2026 KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

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LEGEND

- PROPERTY LINE
- TOWN OF CALHAN BOUNDARY LINE
- PROPOSED SANITARY MAIN
- EXISTING SANITARY MAIN

NOTES

1. EL PASO COUNTY ENGINEERING CRITERIA MANUAL UTILIZED FOR UTILITY DESIGN
2. ALL PROPOSED SANITARY MAIN ASSUMED TO BE 8" PVC @ 0.5% SLOPE

NORTH

GRAPHIC SCALE IN FEET
0 75 150 300

Kimley»Horn

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2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

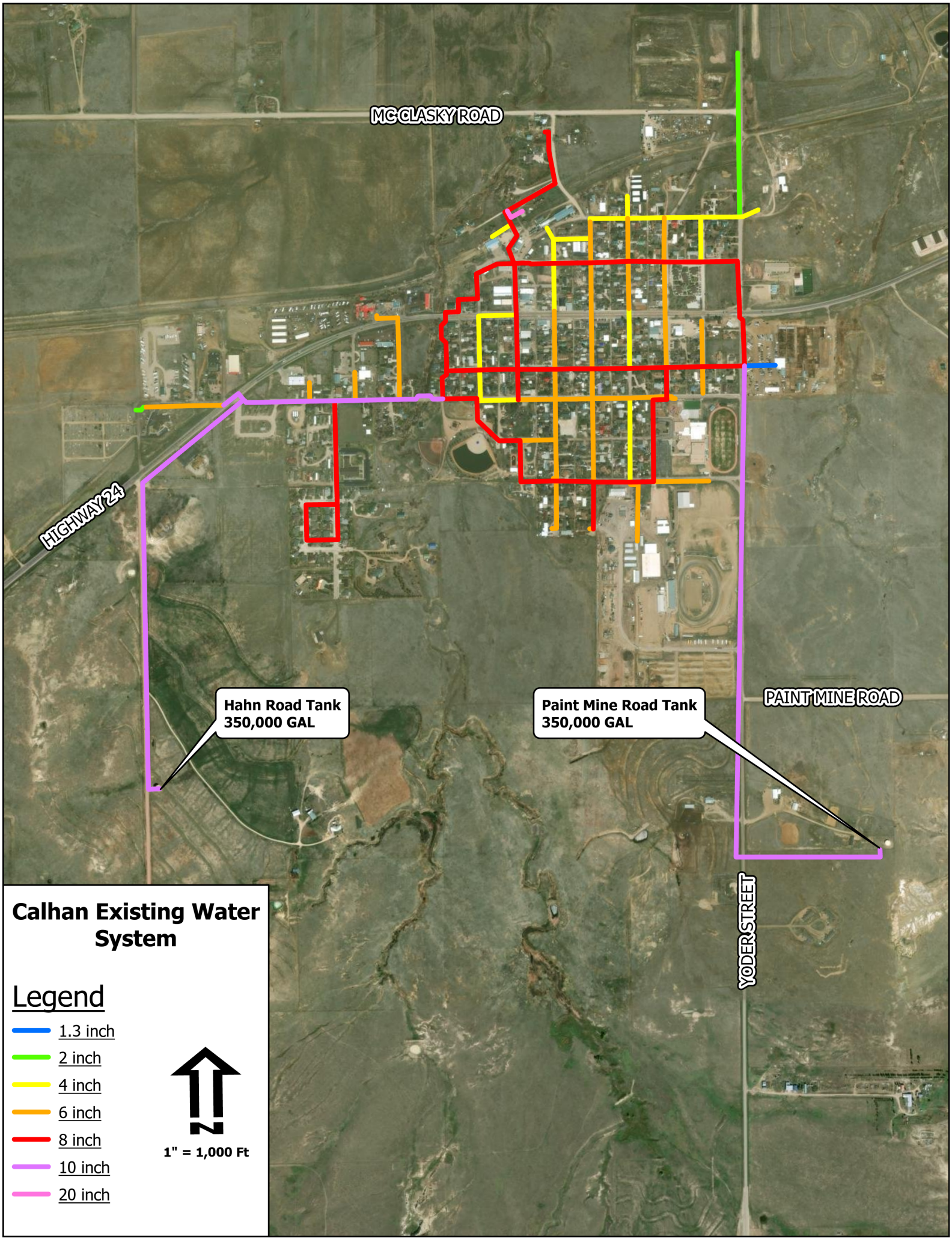
SANITARY UTILITY PLAN

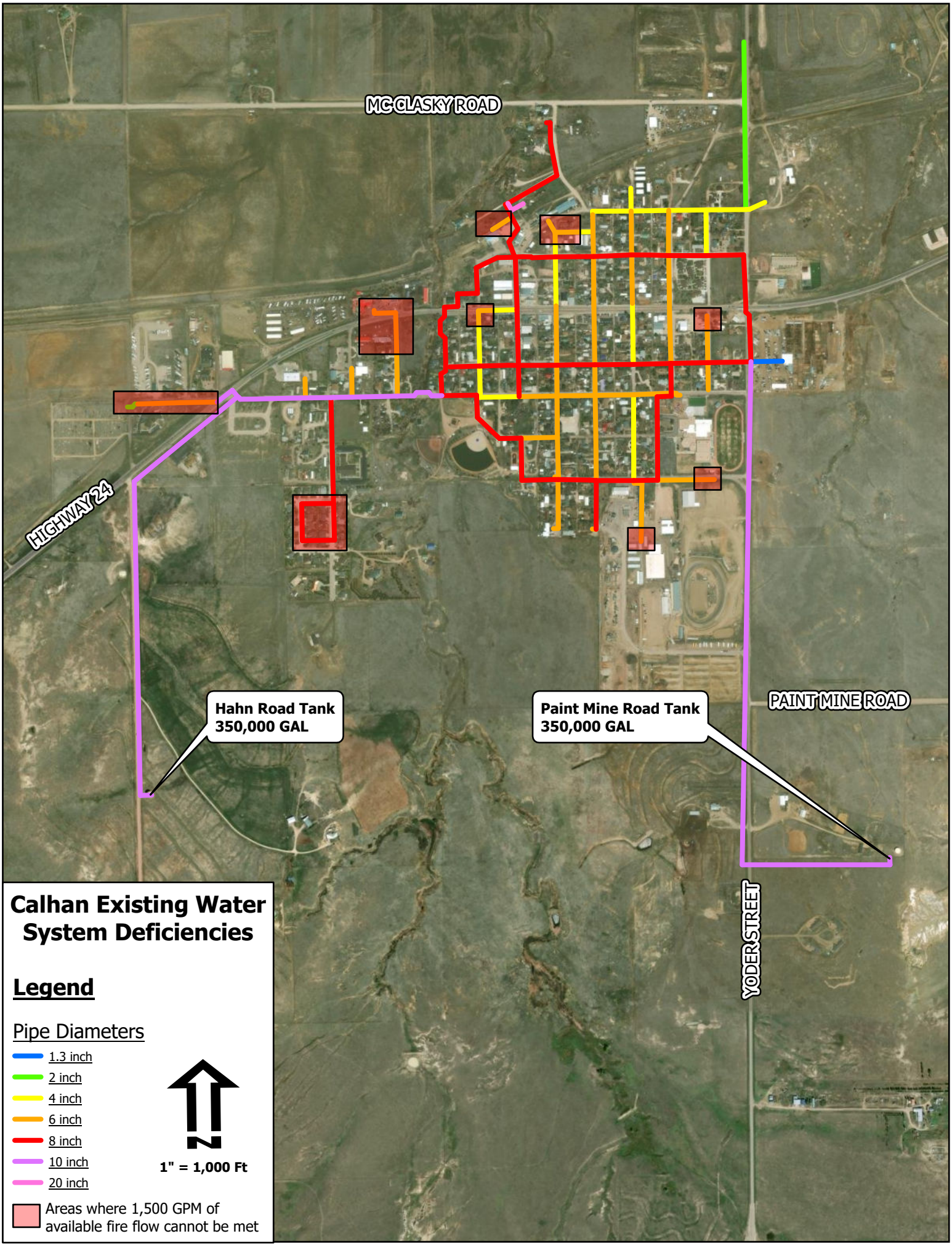
SHEET 3 OF 3

NORTH TREE – EL PASO COUNTY, COLORADO

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APPENDIX B – EXISTING WATER SYSTEM DEFICIENCIES MAP


MC CLASKY ROAD
HIGHWAY 24
Hahn Road Tank
350,000 GAL
Paint Mine Road Tank
350,000 GAL
PAINT MINE ROAD
YODER STREET
Calhan Existing Water System
Legend
1.3 inch
2 inch
4 inch
6 inch
8 inch
10 inch
20 inch
N
1" = 1,000 Ft


MC CLASKY ROAD
HIGHWAY 24
Hahn Road Tank
350,000 GAL
Paint Mine Road Tank
350,000 GAL
PAINT MINE ROAD
YODER STREET
Calhan Existing Water System Deficiencies
Legend
Pipe Diameters
1.3 inch
2 inch
4 inch
6 inch
8 inch
10 inch
20 inch
N
1" = 1,000 Ft
Areas where 1,500 GPM of available fire flow cannot be met

APPENDIX C – GROUNDWATER TITLE OPINION-NORTH TREE ANNEXATION

Fairfield & Woods P.C.

Eric K. Trout
(303) 894-4440
etrout@fwlaw.com

November 10, 2026

Via Email Only

Smith Land Development & Co., LLC
Attn: Will Vandergriff, President
29415 Calhan Place
Calhan, CO 80808
will@vandergriffcontractors.com

Re: Groundwater Title Opinion, North Tree Annexation, Town of Calhan

To Whom It May Concern,

Pursuant to an annexation application with the Town of Calhan (the "Town") for the North Tree Annexation, Smith Land Development & Co., LLC ("Smith Land") has agreed to convey to the Town all the groundwater rights underlying a 95.9989-acre parcel of land located in the NW¼ of Section 2, Township 12 South, Range 62 West of the 6th P.M., El Paso County, Colorado, being all that portion of said NW¼ lying north of the center of track of the former Chicago, Rock Island and Pacific Railroad right-of-way, as depicted on the North Tree Annexation Map prepared by Kimley-Horn and Associates, Inc., and identified by the El Paso County Assessor as Schedule No. 2202200009 (the "Property").

This letter is provided in response to the request of the Town's water counsel for a formal title opinion pursuant to Section 14.11.090 of the Calhan Municipal Code. This letter renders our opinion, based on the examination described below, as to the current status of title to the groundwater underlying the Property for the period from July 26, 1993, to November 9, 2026 (the "Effective Date"), which is greater than the eighteen-year statutory adverse possession period under C.R.S. § 38-41-101. This letter does not offer any opinion on whether the groundwater provides sufficient quantities of water necessary for the Town's uses. Except to the extent necessary to establish that Smith Land is the record owner of the overlying land, upon which ownership of the groundwater depends, this letter does not provide any opinion regarding title to the Property. Finally, we did not review or analyze any documents related to any water quality issues or compliance with any state or local requirements regarding water quality. This letter renders our opinion that, based on the examination below and subject to the exceptions and limitations stated herein, Smith Land has good and marketable title to the groundwater described in this letter.

This opinion is intended only for the use of Smith Land and the Town in connection with the above-mentioned transaction. No other person is entitled to rely upon the opinions expressed herein now or at any time in the future.

DESCRIPTION OF THE GROUNDWATER RIGHTS

The groundwater being conveyed includes all of Smith Land's right, title, and interest in and to the following groundwater, including all beneficial right, title and interest in and to all water, whether tributary, nontributary, or not-nontributary, water rights, rights to use water, and all other assets, rights, title or interests represented by said water rights, historically used upon,

decreed or permitted for use on, or otherwise appurtenant to the real property more particularly described herein.

The Property lies within the Upper Big Sandy Designated Ground Water Basin and within the boundaries of the Upper Big Sandy Ground Water Management District, in Water Division 2. Groundwater in the Denver Basin aquifers underlying the Property is designated ground water, and rights to withdraw it are allocated by the Colorado Ground Water Commission on the basis of ownership of the overlying land. C.R.S. § 37-90-107(7). The Division of Water Resources Bedrock Aquifer Evaluation Determination Tool Report dated April 22, 2024, confirms that the Property lies within a Designated Basin Area and provides the following estimated average annual appropriations for the Denver Basin aquifers underlying the Property:

- Denver Aquifer (Not-nontributary): approximately 28.6 AF/yr
- Arapahoe Aquifer (Nontributary): approximately 33.6 AF/yr
- Laramie-Fox Hills Aquifer (Nontributary): approximately 31.4 AF/yr

The report does not identify any saturated Upper or Lower Dawson aquifer underlying the Property.

Because the Denver Basin groundwater underlying the Property has not been determined by the Ground Water Commission or otherwise formally quantified, it remains in an inchoate condition. In this setting, "inchoate" reflects that title to the groundwater estate follows and is vested in the owner of the overlying land, but the precise volume legally available for withdrawal has not been fixed by Ground Water Commission determination, decree, or final permitting action. The Division of Water Resources estimate is an administrative calculation derived from statutory allocation formulas and mapped aquifer characteristics; it does not establish a vested right in any specific quantity. We are not aware of any Ground Water Commission determination, water court decree, or other formal quantification of the Denver Basin groundwater attributable to the Property. Any final, legally enforceable withdrawal amounts would be established through the applicable Designated Basin determination and permitting process.

Note regarding acreage: The April 22, 2024, report was run on 91.15 acres, consistent with the El Paso County Assessor's records for Schedule No. 2202200009. The North Tree Annexation Map reflects 95.9989 acres by survey. The vesting deeds described below do not convey the Property by acreage; they describe it by reference to the NW¼ of Section 2 and the center of track of the former railroad right-of-way, and the groundwater conveyed with the land is the groundwater underlying the land so described, whatever its measured acreage. This difference therefore does not affect title. Any Ground Water Commission determination would be expected to rely on the surveyed acreage, and the estimated annual amounts above would be expected to increase approximately in proportion.

Because the recorded chain of title reflects no severance or reservation of groundwater, and no quantification of the groundwater has been identified, the groundwater estate remains

appurtenant to and runs with the land. Any future development, permitting, or allocation of such groundwater must comply with the statutes, rules, and jurisdiction governing the Designated Basin in which the Property is located, including C.R.S. § 37-90-107(7) and the rules of the Colorado Ground Water Commission, 2 CCR 410-1, and with the rules of the Upper Big Sandy Ground Water Management District.

DESCRIPTION OF WELL RIGHTS

Our review of the Division of Water Resources well permit records and Hydrobase did not identify any well permit, decreed structure, or Ground Water Commission determination associated with the Property. Accordingly, no existing well rights are included in, or excluded from, the opinions expressed in this letter.

CHAIN OF TITLE

The Property consists of two components that came into the chain of title by separate instruments and were joined in the 2002 conveyances described below: (a) the land in the NW¼ of Section 2 lying north of the former railroad right-of-way (the "Main Parcel"); and (b) a strip of land 100 feet in width consisting of the northeasterly half of the former 200-foot Chicago, Rock Island and Pacific Railroad right-of-way where it crosses the NW¼ (the "Railroad Strip"). The south boundary of the Property, as shown on the North Tree Annexation Map, is the centerline of the former right-of-way, which is also the southerly line of the Railroad Strip.

Smith Land's title to the Property and groundwater derives from a Quitclaim Deed dated July 19, 2002, and recorded on July 23, 2002, at Reception No. 202119491 of the El Paso County, Colorado real property records, from William Vandergriff and Sonya Vandergriff. The deed describes "all that portion of the Northwest Quarter of Section 2, lying north of the center of track of the Old Chicago, Rock Island and Pacific Railroad Right of Way," which includes both the Main Parcel and the Railroad Strip, and conveys the land together with all estate and rights of the grantors in the land and all rights and appurtenances belonging to it. The deed contains no reservation or exception of water, water rights, or groundwater. Smith Land was organized as a Colorado limited liability company on April 15, 2002 (Colorado Secretary of State ID No. 20021095180), before the date of the conveyance, and is in good standing as of November 9, 2026. Note: Sonya Vandergriff's acknowledgment is dated July 16, 2002, three days before the stated date of the deed. This does not affect the validity of the conveyance; both grantors signed and acknowledged the deed, and it was delivered and recorded.

William Vandergriff and Sonya Vandergriff, as joint tenants, derived their title from a Warranty Deed dated May 1, 2002, and recorded on May 3, 2002, at Reception No. 202073174 of the El Paso County, Colorado real property records, from Raymond J. Balsick aka Raymond Balsick and L. Louise Balsick aka Louise L. Balsick aka Lorraine Louise Balsick, as to a life estate, and Adam M. Balsick, as to the remainder, for a stated consideration of $250,000. The deed uses the same legal description, extending to the center of track of the former railroad right-of-way, and conveys the land with all hereditaments and appurtenances. The deed is made subject only to general taxes for 2002 and the customary exceptions for easements, reservations,

restrictions, covenants, and rights-of-way of record, if any, distribution utility easements, unrecorded matters of which the grantees had actual knowledge, inclusion in special taxing districts, and declarations, if any. It contains no reservation or exception of water, water rights, or groundwater, and our examination identified no reservation of groundwater of record within the review period to which the general exception could apply. The life estate and remainder held by the grantors were created by the 1994 Warranty Deed described below, which covered both the Main Parcel and the Railroad Strip. Because the holders of both the life estate and the remainder joined as grantors, the 2002 Warranty Deed conveyed the entire fee simple estate in the Property.

Raymond J. Balsick and L. Louise Balsick held the life estate, and Adam M. Balsick held the remainder, under a Warranty Deed dated June 1, 1994, and recorded on June 2, 1994, at Reception No. 094075985 (Book 6459, Page 36) of the El Paso County, Colorado real property records, by which Raymond J. Balsick aka Raymond Balsick and L. Louise Balsick aka Lorraine Louise Balsick aka Louise L. Balsick conveyed to Adam M. Balsick, as a gift, "all that portion of the Northwest Quarter of Section 2, lying North of the center of track of the old Chicago, Rock Island and Pacific Railroad right-of-way," together with other lands in Township 11 South, Range 62 West that are not part of the Property. Because the deed describes the land to the center of track, it included both the Main Parcel and the Railroad Strip. The deed expressly reserves to the grantors, or the survivor of them, "the entire use and possession" of the land "and all appurtenances thereto," and all rents, issues, and profits from it, for and during their lifetime. That reservation is a life estate in the land and its appurtenances; it is not a severance of the groundwater from the land, and it was extinguished when the life tenants and the remainderman joined in conveying the fee to the Vandergriffs by the 2002 Warranty Deed. The deed is otherwise made subject only to taxes for 1994 and following years, and it contains no reservation or exception of water, water rights, or groundwater.

The 1994 Warranty Deed is the earliest instrument in the chain of title to the Main Parcel identified within the review period; Raymond and Louise Balsick's acquisition of the Main Parcel predates the review period. Our search of the grantor index for Balsick from July 26, 1993, forward identified no instrument by which they severed, reserved, or conveyed the groundwater underlying the Main Parcel, other than the 1994 Warranty Deed and the 2002 Warranty Deed described above.

Raymond Balsick and Louise L. Balsick acquired the Railroad Strip by a Special Warranty Deed dated July 13, 1993, and recorded on July 26, 1993, at Reception No. 002327291 (Book 6221, Page 1446) of the El Paso County, Colorado real property records, from Lincoln Branch, Inc., a Nebraska corporation. The deed conveys a strip of land 100 feet in width, being the northeasterly half of the former Chicago, Rock Island and Pacific Railway corridor upon and through the NW¼ of Section 2, containing 6.15 acres more or less, together with all hereditaments and appurtenances. The only reservation in the deed is a temporary right of ingress and egress for the grantor to remove metallics, ties, and bridges, which expired by its terms on November 30, 1993. The deed contains no reservation or exception of water, water rights, or groundwater. The North Tree Annexation Map identifies the source of the former right-of-way as a Quitclaim Deed recorded September 7, 1984, in Book 3914 at Page 1082 of the El Paso County records, which predates the review period.

Within the review period, we identified no instrument by which any owner in the foregoing chain severed, reserved, conveyed, leased, or consented to the withdrawal of the groundwater underlying the Property, and no instrument of record by which any Balsick, Vandergriff, or Smith Land purported to convey groundwater underlying the Property separately from the land.

CONCLUSION

In summary:

1. This letter renders our opinion that, based on the examination above and subject to the exceptions and limitations stated herein, Smith Land has good and marketable title to the groundwater underlying the Property as the record owner of the overlying land.
2. The chain of title reflects no severance, reservation, or separate conveyance of groundwater from the Property during the review period, which runs from July 26, 1993, to the Effective Date and exceeds the eighteen-year statutory period under C.R.S. § 38-41-101.
3. The groundwater underlying the Property, including both the Main Parcel and the Railroad Strip, remains appurtenant to and owned with the overlying land, currently held by Smith Land Development & Co., LLC.
4. Our examination identified no deed of trust, mortgage, judgment, lien, or UCC filing of record encumbering the Property or the groundwater.
5. The Property lies within the Upper Big Sandy Designated Ground Water Basin and the Upper Big Sandy Ground Water Management District. Rights to the Denver Basin groundwater underlying the Property are allocated by the Colorado Ground Water Commission on the basis of ownership of the overlying land under C.R.S. § 37-90-107(7).
6. The only available volumetric information consists of the April 22, 2024, Division of Water Resources administrative estimates, which were run on 91.15 acres and are not determined or decreed amounts.

This letter is based solely on the documents provided and the public records referenced above.

SCOPE OF EXAMINATION

During our investigation of title to the groundwater, we performed the following work:

- We searched the El Paso County Clerk and Recorder's online grantor and grantee indices from July 26, 1993, to the Effective Date of this review, for any documents or instruments referencing Balsick, Vandergriff, Smith Land Development & Co., LLC, Lincoln Branch, Inc., and all variants thereof, as either grantor or grantee.
    - All instruments identified by the foregoing search were downloaded and reviewed, including the instruments recorded at Reception Nos. 002327291, 094075985, 202073174, and 202119491, and the instruments of record for the

adjoining Balsick parcels shown on the North Tree Annexation Map (Reception Nos. 213039793 and 219139282), which we reviewed to confirm that none purports to convey or reserve groundwater underlying the Property.

- We reviewed the El Paso County Assessor's records for Schedule No. 2202200009.
- We reviewed the Colorado Division of Water Resources online well permit records and Hydrobase, and the Division of Water Resources Bedrock Aquifer Evaluation Determination Tool Report dated April 22, 2024.
- We reviewed the North Tree Annexation Map prepared by Kimley-Horn and Associates, Inc.
- We reviewed the Colorado Secretary of State's business records for Smith Land Development & Co., LLC, and searched the Colorado Secretary of State's UCC records by "Debtor Name" for Smith Land Development & Co., LLC.

This letter does not provide a full title review of the Property, but only an opinion as to title to the groundwater based on the publicly available documents stated above.[1] Our analysis may change based on the discovery of additional documents not currently available on those public websites.

EXCEPTIONS AND LIMITATIONS

Our opinion herein is limited to issues revealed by the documents we have reviewed. Other documents may exist that could affect title to the groundwater, but without knowledge of such documents we cannot assess any potential impact as to title. The following matters are expressly excluded from the scope of this review, and we offer no opinion as to:

- Any encumbrance or adverse claim arising from any document recorded after the Effective Date.
- Any encumbrance or adverse claim arising from any recorded or unrecorded document not specifically identifying Smith Land Development & Co., LLC, or a predecessor in title named in this letter.
- Any encumbrance or adverse claim arising from any document affecting title to the groundwater that is not of record or not properly indexed in the office of the El Paso County Clerk and Recorder or any other applicable county.
- Any encumbrance or exception arising out of fraud, forgery, or misrepresentation in connection with the documents reviewed.

[1]Because we have no way of knowing whether the El Paso County Clerk and Recorder's Office has uploaded to its website all relevant documents it physically has in its office, we cannot issue any opinion on title without physically confirming our research at the El Paso County Clerk and Recorder's Office.

- Any encumbrance or exception arising from reservations, exceptions, and rights-of-way as contained in any United States patent.
- Any encumbrance or exception arising from taxes or assessments of any type, due or payable.
- Any encumbrance arising from the inclusion of land in any municipal or quasi-municipal boundaries, including the Upper Big Sandy Ground Water Management District.
- Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- Any loss, damage, limitation of use, or devaluation of the groundwater resulting from or related to administration under Colorado's priority system or the Colorado Ground Water Management Act, waste, abandonment, physical supply, water quality, drought, development of conditional water rights, existing or unasserted reserved water rights for federal lands or Indian reservations, interstate compact, federal treaty, local, state, or federal law or regulations, future actions to determine or adjudicate water rights, historical use and consumptive use, expansion of use, or matters contained in any decree of the Water Court or determination of the Ground Water Commission.
- Any encumbrance or exception arising from claims to the groundwater that are adverse to the title of the persons named as claimants in any decree or determination of those water rights. Under Colorado law the adjudication or determination of a water right does not conclusively establish the claimant as the owner of that water right, and this opinion must therefore be qualified accordingly.
- The legality of use of the groundwater for any particular purpose, or the transferability of the groundwater to different purposes or locations.
- Any discrepancies between the actual and permitted or decreed location of any well or other structure related to the groundwater.
- Title to easements or rights of access to the points of diversion or along ditches or other structures used to divert or convey the groundwater.
- Any facts or circumstances which may be evident upon inspection of any well or other structures or facilities used to divert and convey the groundwater.

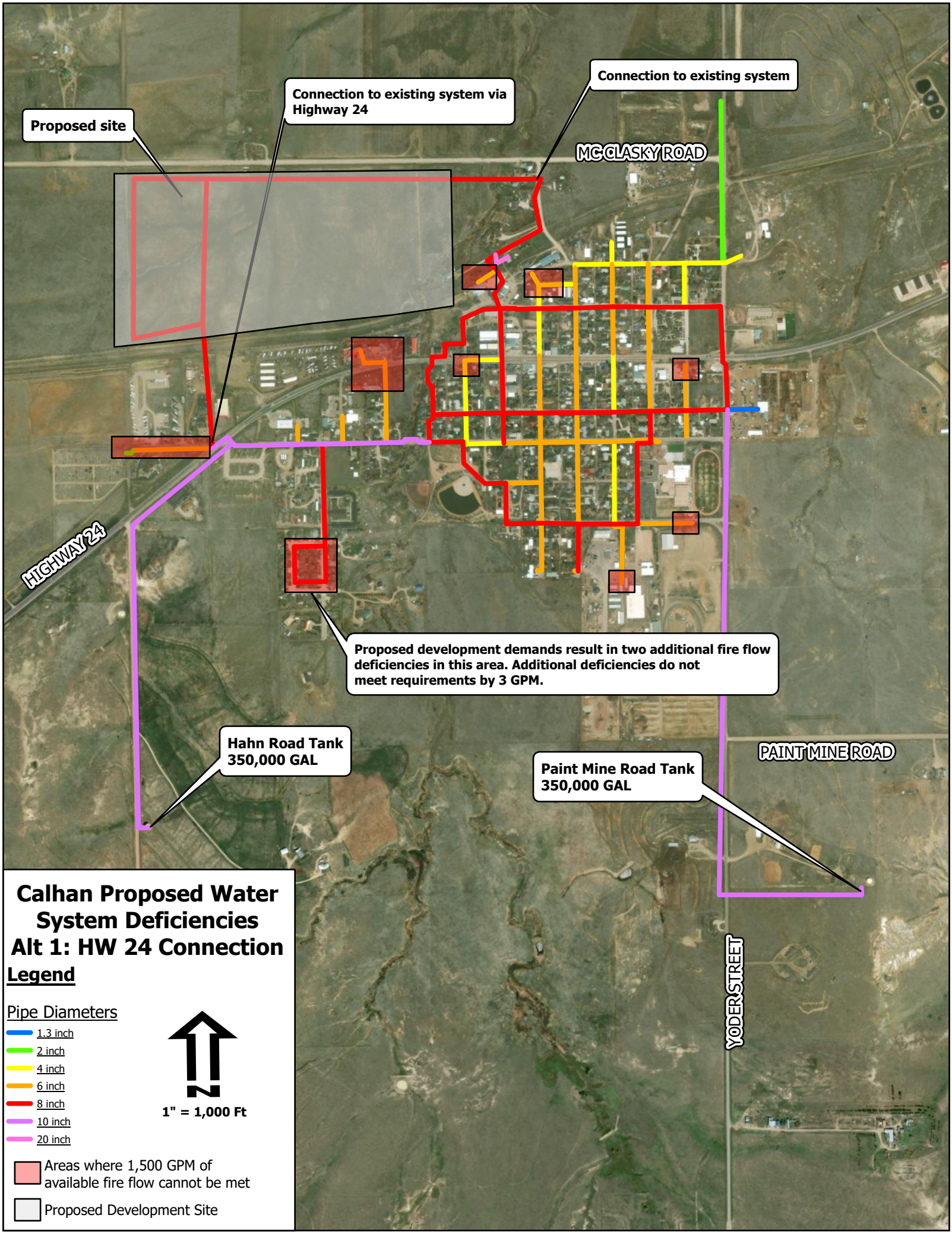
Please feel free to call if you have any questions regarding any of the matters discussed in this letter.

Sincerely,

Eric K Trout

Eric K. Trout
Fairfield & Woods, P.C.

APPENDIX D – PROPOSED WATER DISTRIBUTION SYSTEM IMPROVEMENTS


Proposed site
Connection to existing system via Highway 24
Connection to existing system
MC CLASKY ROAD
HIGHWAY 24
Proposed development demands result in two additional fire flow deficiencies in this area. Additional deficiencies do not meet requirements by 3 GPM.
Hahn Road Tank 350,000 GAL
Paint Mine Road Tank 350,000 GAL
PAINT MINE ROAD
YODER STREET
Calhan Proposed Water System Deficiencies Alt 1: HW 24 Connection
Legend
Pipe Diameters
1.3 inch
2 inch
4 inch
6 inch
8 inch
10 inch
20 inch
N
1" = 1,000 Ft
Areas where 1,500 GPM of available fire flow cannot be met
Proposed Development Site

APPENDIX E – NORTH TREE WATER SOLUTION PLAN – FAIRFIELD & WOODS

Eric K. Trout
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November 10, 2026

NORTH TREE ANNEXATION
WATER SOLUTION PLAN

Re: Submitted by Smith Land Development & Co., LLC to the Town of Calhan with Submittal_03 Exhibit A to the Applicant's Response to the Town Water Attorney's Round 2 Referral Comments

1. THE PLAN IN BRIEF

Smith Land will dedicate to the Town, measured by the Town's own standards, enough water to serve every home in North Tree before that home is approved. The plan does not depend on the Town's existing water rights or on any change to the standards the Board adopted in Ordinance No. 2026-12. It is built to give the Board a choice for the water beyond the Property's own: a cooperative fee-in-lieu with the Town, which Smith Land prefers, or dedicated private supply, which Smith Land will deliver to the extent the Board does not elect the fee. It has four parts.

1. **Property Water.** Smith Land conveys to the Town, at annexation, all Denver Basin groundwater beneath the Property. The plan credits only the Denver and Arapahoe water, measured at a 300-year life: 21.7 acre-feet per year, enough for 62 single family equivalents ("SFEs"). The Laramie-Fox Hills water is conveyed as well but counts only if and when the Town chooses to produce it.
2. **Supplemental Water.** For every home beyond the first 62, the Town receives supplemental water before the phase that needs it is approved, by the route the Board prefers. Smith Land prefers a reasonable fee-in-lieu under Town Code § 14.11.100, developed cooperatively with the Town, with monitoring of the wells and adjustment over time. To the extent the Board does not elect that route, Smith Land will acquire Denver Basin groundwater from private sources outside the Property, within the Upper Big Sandy Ground Water Management District, have it determined by the Colorado Ground Water Commission, deliver a title opinion, and convey it to the Town. On the Town's standards that is about 146 acre-feet per year at full build-out, roughly one acre of overlying land per home.
3. **Wells and Facilities.** Smith Land provides the wells that produce the water: rehabilitation of the Town's three Laramie-Fox Hills wells, a new Arapahoe well on a dedicated 1.5-acre well site on the Property before any home beyond the first 62, and a second well before the fourth phase. Smith Land expects to fund them through a metropolitan district and applicable grants, with every cost verified by an independent third party.
4. **Phase Gates.** The Annexation Agreement and the Water Resources Agreement cap approved units at the number the dedicated water supports. The Town engineer certifies the water ledger and the facilities before each phase. If neither the water nor an agreed fee-

in-lieu is delivered for a phase, that phase does not proceed and the Town has no obligation to serve it.

Smith Land encourages the Board to work with it on a fee-in-lieu combined with dedicated supply. A reasonable fee, grounded in the Town's actual cost of replacing the supply, would fund wet water rather than replace it. It would be tied to monitoring of the Town's wells and adjusted over time as that monitoring shows how the wells actually perform. Each acre-foot the Board provides, through its Laramie-Fox Hills capacity, through Denver Basin water beneath Town lands developed at Smith Land's cost, or through a fee-in-lieu, reduces the supplemental water Smith Land must acquire privately. The choice is the Board's. If the Board elects none of them, the dedicated private supply in Section 4.2 meets every phase.

2. STANDARDS APPLIED

The plan applies the Town's adopted standards without modification. Where the Ground Water Commission's rules govern how the water is allocated and produced, the plan follows those rules.

Item	Standard used in this plan	Source
Planning life of Denver Basin water	300 years (allocation divided by 300)	Town Code § 14.11.040(A)
Residential demand	0.35 acre-feet per year per SFE	Town Code § 14.11.040(B)(1)
Irrigated land	2.5 acre-feet per irrigated acre per year	Town Code § 14.11.040(B)(3)
Well site	Not less than 1.5 acres, configured for deep bedrock drilling	Town Code § 14.11.040(C)
Groundwater Consent Agreement	Executed concurrently with annexation	Town Code § 14.11.060
Commission determination	Required before any water is credited	Town Code § 14.11.080(A)
Title opinion	Required for the Property water and each supplemental acquisition	Town Code § 14.11.090
Commission allocation	100-year aquifer life, on the basis of overlying land	C.R.S. § 37-90-107(7)(a); DBR 5.3.2, 5.3.3.1
Well location	Wells withdrawing Denver Basin water located on the overlying land	DBR 5.3.7, 5.3.7.2, 5.3.8
Replacement	98% consumption limit (nontributary); 4% replacement (Denver, not-nontributary)	DBR 5.3.6.2.A and B

"DBR" refers to the Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1.

3. DEMAND AT FULL BUILD-OUT

Component	Basis	Acre-feet per year
Residential	467 SFEs × 0.35	163.45
Irrigated parkland	1.8 irrigated acres (cap) × 2.5	4.50
Total demand		**167.95 (use 168.0)**

CJZ and the MEI Report computed 167.5 acre-feet per year using 1.605 irrigated acres. This plan uses a 1.8-acre cap on irrigated parkland, which the revised General Development Plan and the Water Resources Agreement will state. The cap assumes that 30 percent of the roughly 6 acres of park shown on the plan is irrigated, and it adds about 0.5 acre-feet per year.

A lower demand factor. North Tree is a small-lot, entry-level development. The May 22, 2026 memorandum that led to Ordinance No. 2026-12 described 0.35 acre-feet per SFE as a rebuttable presumptive figure within a typical range of 0.25 to 0.40, depending on the size of lots. A site-specific factor of about 0.30, inclusive of lot irrigation, is better supported for homes of this size. At 0.30, total demand at build-out is about 144.6 acre-feet per year, and the supplemental water falls from 146.3 to 122.9 acre-feet per year (Section 8). Smith Land asks the Board to consider that factor. The ledger in Section 6 uses the adopted 0.35 unless and until the Board approves a lower figure.

4. SOURCES OF SUPPLY

4.1 Property water (conveyed at annexation)

Aquifer	Status	100-year life	300-year life	Credited in this plan
Denver	Not-nontributary	29.6	9.9	9.9
Arapahoe	Nontributary	35.4	11.8	11.8
Laramie-Fox Hills	Nontributary	33.0 (25.0 after Permit 9691-F-R reduction)	8.3	0.0 until produced
Total		**98.0 (90.0)**	**30.0**	**21.7**

Acre-feet per year. Source: MEI Report, Table 1 and pages 2 to 3, using the Division of Water Resources Aquifer Determination Tool on the 95.9989-acre plat area. Final figures will come from the Commission's determinations on the final legal description.

Smith Land conveys all three aquifers to the Town in fee at annexation, free of any reservation to lot owners, so that the water is not treated as controlled by individual lot owners under DBR 5.3.2.2. The plan credits the Denver and Arapahoe water at the Town's 300-year rate, 21.7 acre-feet per year. MEI's opinion is that wells in those aquifers can likely produce the 300-year volumes (MEI Report at 3). The Laramie-Fox Hills water is credited at zero. MEI has raised a question whether a new Laramie-Fox Hills appropriation could affect the Town's pre-Senate Bill 213 rights (MEI Report at 3), and the plan does not ask the Town to take that risk. If the Town later produces that water, its 8.3 acre-feet per year at 300 years reduces the supplemental water Smith Land must deliver.

4.2 Supplemental water (acquired by Smith Land from private sources)

Supplemental water is the assured route for every home beyond the first 62 SFEs, to the extent the Board does not elect one of the options in Section 4.3. It is credited only when it meets all of the following conditions.

(a) It is Denver Basin groundwater (Denver, Arapahoe, or Laramie-Fox Hills) beneath lands within the Upper Big Sandy Ground Water Management District, so that its use in the Town involves no export under District Rule 3.

(b) The Commission has determined it under C.R.S. § 37-90-107(7) and DBR 5.3, with notice to the District under District Rule 24.

(c) A title opinion meeting Town Code § 14.11.090 has been delivered.

(d) It has been conveyed to the Town in fee, together with well sites or easements on the overlying land, because DBR 5.3.7 requires Denver Basin wells to be located on the overlying land. Smith Land will give priority to lands adjoining or near the Property so that the water can be produced through the North Tree well site under DBR 5.3.7.2 (noncontiguous parcels) and 5.3.8 (well fields). [LWS to confirm the cylinder-of-appropriation geometry.]

(e) Laramie-Fox Hills water is credited only from lands outside the circles of appropriation of the Town's pre-Senate Bill 213 wells.

(f) Its use does not require a replacement plan under DBR 5.6 (for example, Denver aquifer water within one mile of the alluvium contact under DBR 5.3.6.2.C).

(g) It is credited at the Town's 300-year rate: the determined allocation divided by 300.

Quantity. On the Town's standards the supplemental water needed at full build-out is 168.0 less 21.7, or 146.3 acre-feet per year. The Property yields about 0.34 acre-feet per year per acre at 300 years across all three aquifers (98.0 ÷ 95.9989 ÷ 3). At similar saturated thicknesses, the supplemental requirement corresponds to roughly 430 acres of overlying land, or about one acre per home. Actual acreage will depend on each parcel's Commission determination. Smith Land has not yet identified specific parcels. It will identify and secure suitable private Denver Basin sources within the District as each phase approaches, and will report them to the Town, with executed letters of intent or purchase contracts where available, before the phase is released.

4.3 Fee-in-lieu and other options at the Board's election

Smith Land prefers to work with the Board on option (a). None of the options is required for the plan to work, because Section 4.2 supplies the water if the Board elects none of them. Any acre-foot, or the equivalent in fee, that the Board provides through one of these options reduces the supplemental water for that phase one for one.

(a) Fee-in-lieu under Town Code § 14.11.100. Smith Land encourages the Board to work with it on a reasonable fee-in-lieu, combined with dedicated supply as needed. The fee would be priced at the Town's actual cost to replace the supply, as Ms. Zahedi's October 20, 2026 email says it must be, and credited against the wells Smith Land funds so that the same cost is not recovered twice. It would rest on costs verified by an independent third party, be supported by monitoring of the Town's wells, and be adjusted in the future as the monitoring and actual demand warrant.

(b) Town Laramie-Fox Hills capacity. MEI's opinion is that, after rehabilitation of the Town's three Laramie-Fox Hills wells, the Town may be able to serve approximately 250 to 300 SFEs of North Tree if the Board approves the use and a fee is paid (MEI Report at 4 and 5).

(c) Town Denver Basin water developed at Smith Land's cost. MEI's June 22, 2026 well testing memorandum reports likely more than 300 acre-feet per year of Denver and Arapahoe water beneath the Town that the Town could appropriate. Smith Land would pay the Commission filing, well, and connection costs of developing an agreed amount, which is replacement water created in kind rather than paid for in cash.

4.4 Demand Credits

The plan assumes no conservation or reuse credit. If the Board later approves a credit, for example for reuse of treated water for park irrigation, the credit reduces the supplemental water required.

5. WELLS AND FACILITIES

Facility	Purpose	In service before	MEI estimate	Paid by
1.5-acre well site on the Property	Location for North Tree wells on the overlying land (DBR 5.3.7)	Dedicated at annexation	None	Smith Land
Two 8-inch distribution connections	Connect the Annexation Area to the Town system	Phase 1	Site costs	Smith Land
Rehabilitation of the Railroad, Tower, and Gordon Laramie-Fox Hills wells	Reliable system capacity, peaking, and redundancy	Phase 2	$600,000	Smith Land
Well 1: Arapahoe production well, minimum 66 gpm reliable yield	Produce conveyed and supplemental water	Phase 2 (first home after 62)	$1,860,000	Smith Land
Well 2: [Denver or second Arapahoe well, per LWS]	Capacity beyond Well 1 and redundancy	Phase 4	[$1,860,000 placeholder]	Smith Land
Collection lines from supplemental lands, if not produced through the well site	Deliver supplemental water	As needed	[TBD]	Smith Land
Storage	700,000 gallons existing; 632,066 required at build-out	None needed	None	n/a

The physical supply works as follows. North Tree's average demand at build-out is about 104 gallons per minute and its peak-day demand is about 208 gallons per minute. With the Town's existing maximum-day demand of 133 gallons per minute, MEI puts the combined peak at 341 gallons per minute, which the rehabilitated Laramie-Fox Hills wells (about 275 gallons per minute) and Well 1 (66 gallons per minute) together meet (MEI Report at 4 and 5). Well 1 running continuously would produce about 106 acre-feet per year, a level North Tree's average demand reaches at about 290 SFEs. Allowing for realistic run times, Well 2 is in service before the fourth phase, which begins at the 251st SFE. Well 2 also supplies the redundancy MEI notes the system currently lacks. The Commission's permits will allow withdrawal at the 100-year rate, so the Town will hold legal pumping rights roughly three times the annual volume the plan credits. That margin is a reserve, not a source the plan relies on.

Funding and Cost Verification. Smith Land expects to fund these facilities through a metropolitan district and applicable grants. The MEI figures are planning-level estimates, and Smith Land believes some are materially higher than the cost of comparable work; the $500,000 estimate for the McClasky Road culvert and drainage improvements is an example. Smith Land asks that every cost in the MEI Report be verified by an independent third party before the Board approves it or relies on it to allocate responsibility or to set a fee, and proposes that the Annexation Agreement provide for that verification.

6. PHASING AND WATER ADEQUACY LEDGER

Each phase is released only when the water dedicated to the Town, credited on the Town's standards, together with any water or fee-in-lieu the Board has elected under Section 4.3, equals or exceeds the cumulative demand of every unit approved through that phase, and the listed facilities are in service.

Phase	Total SFEs	Total demand	Property water	Supplemental water (total)	Acres (total)	Facilities in service before release
1	62	21.7	21.7	0.0	0	Well site dedicated; distribution connections; existing Town system
2	150	57.0	21.7	35.3	105	Well 1 producing; Laramie-Fox Hills rehabilitation complete; wastewater plant under construction
3	250	92.0	21.7	70.3	205	New wastewater treatment plant in service [timing per Town and MEI]
4	360	130.5	21.7	108.8	320	Well 2 producing
5	467	168.0	21.7	146.3	430	None additional

Acre-feet per year at a 300-year life and 0.35 acre-feet per SFE. Irrigated parkland (4.5 acre-feet per year) is assigned to Phase 2. Acreage assumes the Property's per-acre yield and is rounded. Phase sizes reflect build-out of about 90 homes per year. The ledger assumes the Board elects none of the options in Section 4.3; any Board election reduces the supplemental column.

Phase 1 is sized to the Property water alone. Its 62 units fall within CJZ's statement that the existing system can serve approximately 71 homes before improvements, and within the 67 to 73 single-family units that the Kimley-Horn Preliminary Utility Report estimates the existing wastewater plant can accept before the 95 percent hydraulic capacity at which CDPHE requires a construction schedule (Preliminary Utility Report at 7, Table 5). The same report shows that the 80 percent planning trigger is reached after about 7 or 8 homes, which is why the plan has the new wastewater plant under construction during Phase 2. Phase 1 therefore requires no new Town facility, no Town water right, and no supplemental water.

7. HOW THE TOWN VERIFIES AND ENFORCES THE PLAN

(a) The Annexation Agreement and the Water Resources Agreement will incorporate the ledger in Section 6 and limit approved units to the number the dedicated water supports. Town Code § 14.11.040 requires dedication of sufficient water before annexation. Smith Land reads the "proposed development" approved at annexation as Phase 1 plus the right to later phases on dedication of their water. If the Board reads the Code to require the full

supply before annexation, Smith Land will do one of the following, as the Board prefers: (i) acquire and convey all supplemental water before second reading of the annexation ordinance; (ii) deliver executed letters of intent or purchase contracts for the supplemental water that has not yet been conveyed; or (iii) enter into a fee-in-lieu agreement under Town Code § 14.11.100 for that water.

(b) Before each final plat or release of building permits for a new phase, Smith Land delivers, for that phase's supplemental water, the Commission determination, the title opinion, and the recorded deed, or evidence that the fee-in-lieu the Board has elected for that water has been paid. The Town engineer certifies in writing that the ledger and the facilities requirements are met.

(c) No final plat or building permit issues for any unit beyond the certified ledger. A notice of the ledger restriction will be recorded against the Property.

(d) Smith Land's obligations to build the facilities will be set out in the Annexation Agreement and the reimbursement agreement, and no phase is released until the facilities it requires are in service.

(e) If Smith Land does not deliver the water, or the agreed fee, for a phase, that phase and every later phase do not proceed. The Town has no obligation to provide water to any unit not covered by the ledger, and it keeps every acre-foot already conveyed.

8. WHAT THE ADOPTED STANDARDS COST

The plan meets the standards as adopted. The table below shows the supplemental water those standards require at build-out compared with the alternatives the Board has discussed, so the Board can see what each choice costs in land and water.

Scenario	Demand	Property water credited	Supplemental water at build-out	Approx. acres
(i) As adopted: 300 years, 0.35 per SFE, Laramie-Fox Hills not credited (this plan)	**168.0**	**21.7**	**146.3**	**430**
(ii) As adopted, Property Laramie-Fox Hills credited	168.0	30.0	138.0	405
(iii) 300 years, 0.30 per SFE	144.6	21.7	122.9	360
(iv) 100 years, 0.35 per SFE, Laramie-Fox Hills credited	168.0	90.0	78.0	75
(v) 100 years, 0.30 per SFE, Laramie-Fox Hills credited	144.6	90.0	54.6	55

Acre-feet per year. Acreage at 300 years uses 0.34 acre-feet per acre per year; at 100 years, 1.02. Rounded to the nearest 5 acres.

9. COMPLIANCE WITH THE TOWN CODE

Requirement	How the plan meets it	When
§ 14.11.010: Town does not own enough water for new development	No unit relies on Town water unless the Board elects to provide it	Throughout

Requirement	How the plan meets it	When
§ 14.11.040: dedication of sufficient water	Property water at annexation; supplemental water, or a fee-in-lieu the Board elects, before each phase; units capped by the ledger	Annexation; each phase
§ 14.11.040(A): 300-year life	All water credited at allocation ÷ 300	Each certification
§ 14.11.040(B)(1): 0.35 per SFE	Applied to all 467 SFEs	Each certification
§ 14.11.040(B)(3): 2.5 per irrigated acre	Applied to a 1.8-acre irrigated cap	Each certification
§ 14.11.040(C): 1.5-acre well site	Dedicated on the revised General Development Plan	Annexation
§ 14.11.060: Groundwater Consent Agreement	Draft delivered with Submittal_03	Executed at annexation
§ 14.11.080(A): Commission determination	Property applications filed on the final legal description; supplemental water determined before credit	Before credit
§ 14.11.090: title opinion	Property opinion [date]; opinion on each supplemental acquisition	Before credit
§ 14.11.100: fee-in-lieu	Smith Land's preferred route for the supplemental water, at the Board's election; priced at actual replacement cost, with monitoring and adjustment	Board election

10. COMMISSION AND DISTRICT RULES

The plan uses only Denver Basin bedrock water. It does not use the Big Sandy alluvial aquifer, which DBR 5.2.7 treats as over-appropriated. The Arapahoe and Laramie-Fox Hills water is nontributary, and DBR 5.3.6.2.A requires only that no more than 98 percent of annual withdrawals be consumed. The Denver aquifer water beneath the Property is not-nontributary in an area where DBR 5.3.6.2.B requires replacement of 4 percent of withdrawals to the alluvium, and no Commission replacement plan is needed (MEI Report at 2). The wells will meet the Commission's 600-foot spacing rule (DBR 5.3.7.1) and the District's spacing rules (District Rules 4 and 12.2). They will be metered and reported under District Rule 5, and constructed under the Water Well Construction Rules (District Rule 15; DBR 5.9). All water will be used within the District. Smith Land's letter to the District, sent with Submittal_03, addresses the District's rules in detail.

Prepared by Smith Land Development & Co., LLC, with Kimley-Horn and Associates, Inc. and Fairfield and Woods, P.C. Engineering figures are taken from the MEI Report (Moore Project No. 31289, October 2026) and are to be confirmed by Kimley-Horn and Lytle Water Solutions.

Very truly yours,

Eric K Trout

Eric K. Trout
Fairfield and Woods

NORTH TREE
GENERAL DEVELOPMENT PLAN
ALL OR PART OF NW4 OF SEC 02-12-62 LY N OF C/L OF FORMOR CHICAGO, ROCK ISLAND & PACIFIC RR R/W
EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE OWNER(S) OF CERTAIN LAND IN
THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 62 WEST OF THE 6TH P.M., COUNTY OF EL
PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
A PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED, RECORDED AT RECEPTION NUMBER 202119491 ON JULY 23,
2002 OF THE OFFICE OF THE EL PASO CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF
SECTION 2, TOWNSHIP 12 SOUTH, RANGE 62 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO,
STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 2,
THENCE NORTH 89°29'24" EAST, COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 2,
A DISTANCE OF 2,602.91 FEET;
THENCE SOUTH 01°57'14" EAST, COINCIDENT WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF
1,373.01 FEET TO THE CENTERLINE OF A 200' ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD
RIGHT-OF-WAY AS DESCRIBED IN QUITCLAIM DEED, RECORDED AT BOOK 3914, PAGE 1082 ON SEPTEMBER 7, 1984
AND FURTHER DESCRIBED IN SPECIAL WARRANTY DEED, RECORDED AT RECEPTION NUMBER 002327291 ON JULY
26, 1993, IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, THENCE COINCIDENT WITH SAID
ABANDONED RAILROAD RIGHT-OF-WAY CENTERLINE AND THE SOUTH LINE OF SAID SPECIAL WARRANTY DEED,
THE FOLLOWING TWO (2) COURSES;

1. A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 17°26'53", A RADIUS OF 2864.93 FEET,
AN ARC LENGTH OF 872.45 FEET, A CHORD BEARING OF SOUTH 75°55'20" WEST, AND A CHORD DISTANCE OF
869.08 FEET;
2. SOUTH 84°38'34" WEST, A DISTANCE OF 1,773.74 FEET TO THE WEST LINE OF SAID SECTION 2,
THENCE NORTH 01°20'57" WEST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 1,726.53 FEET, TO THE POINT
OF BEGINNING;
CONTAINING 4,181,711 SQUARE FEET OR 95.9989 ACRES.

GENERAL NOTES:

1. ALL STREETS WILL BE LOCATED WITH APPROPRIATE REGARD TO TOPOGRAPHY, CREEKS, WOODED AREAS, AND OTHER NATURAL FEATURES WHICH WOULD ENHANCE ATTRACTIVE DEVELOPMENT.
2. THIS PROPERTY IS SUBJECT TO THE FINDINGS SUMMARY AND CONCLUSIONS OF A PRELIMINARY GEOLOGIC HAZARD REPORT PREPARED BY COLE GARDNER DATED JUNE 1, 2024.
3. CONTRIBUTIONS TO PUBLIC SCHOOL FACILITIES TO CALHAN SCHOOL DISTRICT WILL BE MET WITH FEES IN LIEU.
4. PARKLAND DEDICATIONS WILL BE BASED ON 0.035 AC OF LAND PER DU.
5. DETENTION POND LOCATION IS PRELIMINARY. FINAL LOCATION OF DETENTION POND WILL BE DETERMINED WITH THE PRELIMINARY PLAN.
6. UTILITIES SHOWN ARE APPROXIMATE. FINAL LOCATION OF UTILITIES WILL BE DETERMINED WITH THE PRELIMINARY PLAN. ALL WATER AND SANITARY SERVICES WOULD BE OWNED AND MAINTAINED BY THE TOWN OF CALHAN.

FEMA CLASSIFICATION:

1. THIS PROPERTY IS LOCATED WITHIN ZONE X AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FLOOD MAP PANEL 08041C0391H EFFECTIVE 12/7/2018. A SMALL PORTION OF THE PROPERTY LIES WITHIN AN A SPECIAL FLOOD HAZARD ZONE.

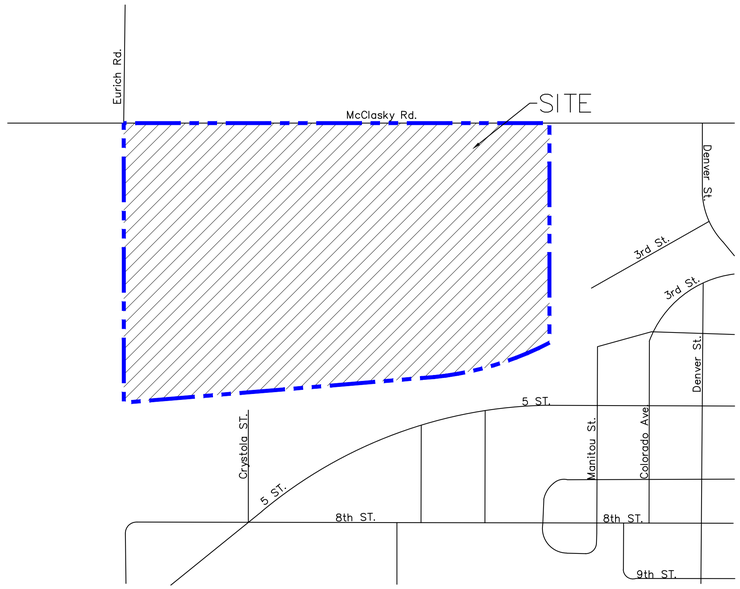
PROPOSED LAND USE DATA:

USE	NO. ACRES PROVIDED	% OF TOTAL PROPERTY
PUD	95.9989	100%

PARKLAND DEDICATION REQUIREMENTS:

USE	NO. ACRES REQUIRED	NO. ACRES PROVIDED	NO. ACRES FEE IN LIEU
RESIDENTIAL	16.345 AC (467 DU * 0.035 AC)	6 AC	10.345 AC

1. REMAINING PARKLAND DEDICATIONS WILL BE PROVIDED THROUGH FEE IN LIEU
2. EXACT PARKLAND DEDICATION ACREAGES WILL BE DETERMINED WITH THE PRELIMINARY PLAN



VICINITY MAP
NOT TO SCALE

NORTH

GENERAL DEVELOPMENT PLAN	
SHEET NO.	SHEET NAME
1	COVER SHEET
2	GENERAL DEVELOPMENT PLAN
3	SANITARY UTILITY PLAN

SITE DATA:

TOTAL SITE AREA:	95.9989 AC
TAX SCHEDULE NUMBER:	2202200009
EXISTING ZONE:	A-35 (EL PASO COUNTY)
PROPOSED ZONE:	PUD (TOWN OF CALHAN)
LAND USE:	DETACHED SINGLE FAMILY RESIDENTIAL
JURISDICTION:	TOWN OF CALHAN, CO
SITE ADDRESS:	0 E. HIGHWAY 24
BUILDING SETBACKS:	ESTABLISHED WITH PUD
MAX BUILDING HEIGHT:	35 FT/ ESTABLISHED WITH PUD
MAXIMUM LOT COVERAGE:	ESTABLISHED WITH PUD
LANDSCAPE BUFFERS:	ESTABLISHED WITH PUD
MASTER PLAN:	N/A

PROJECT CONTACTS:

DEVELOPER:
SMITH LAND DEVELOPMENT AND COMPANY, LLC
WILLIAM VANDERGRIFF
CONTACT: WILLIAM VANDERGRIFF
PHONE: 719-347-2276

OWNER:
SMITH LAND DEVELOPMENT AND COMPANY, LLC
WILLIAM VANDERGRIFF
CONTACT: WILLIAM VANDERGRIFF
PHONE: 719-347-2276

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
CONTACT: KEVIN KOFFORD, P.E.
PHONE: 719-453-0181

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
CONTACT: JEREMY FELDER, PLS
PHONE: 720-464-1877

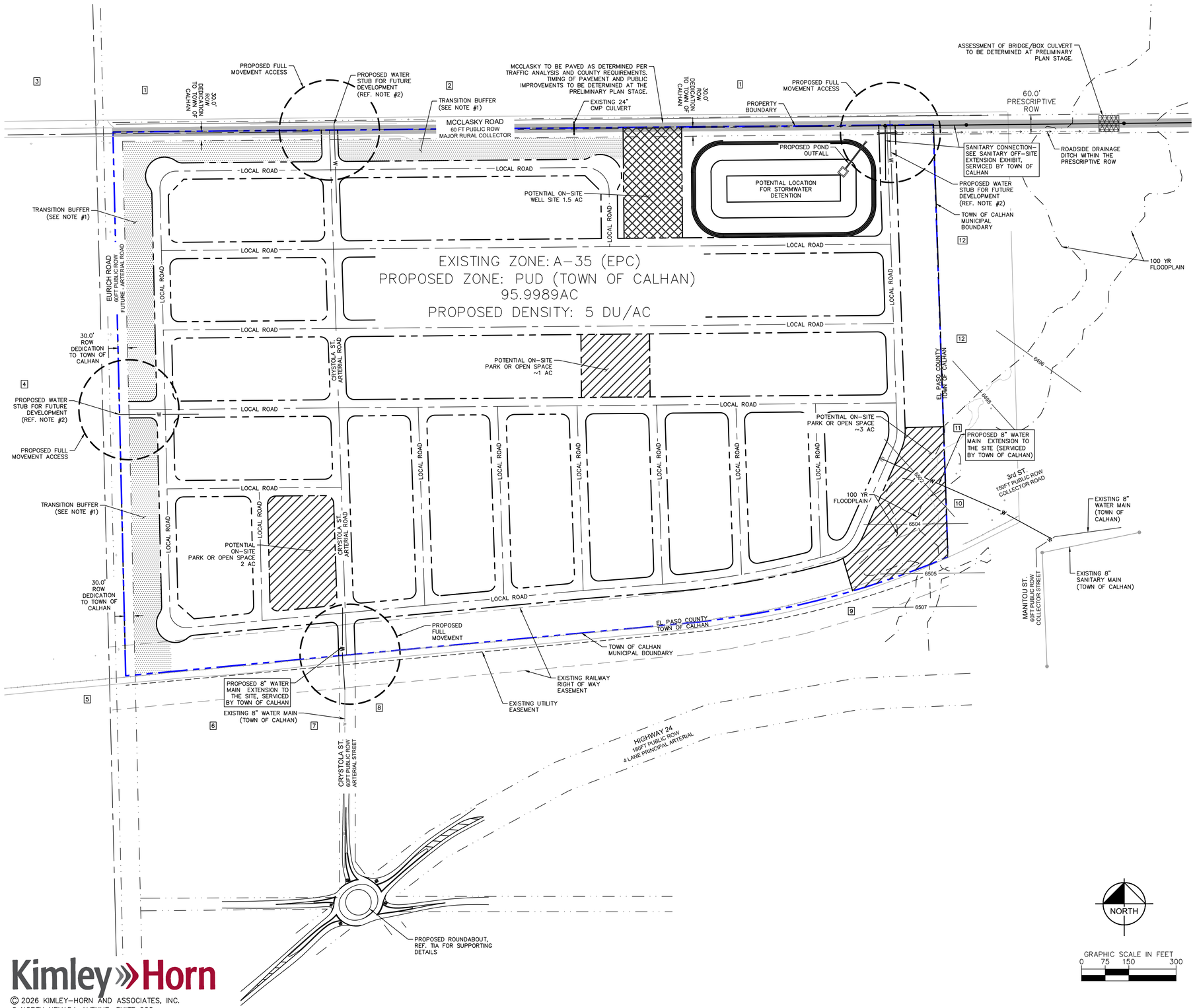
Kimley»Horn
© 2026 KIMLEY-HORN AND ASSOCIATES, INC.

2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

811 Know what's below. Call before you dig.

11/09/2026

K:\COS_Civil\296005001_North Tree Annexation\CADD\PlatSheets\LUP\North Tree LUP.dwg Nov 11, 2026 9:18am



LEGEND

- NORTH TREE PROPERTY LINE
- ADJACENT PROPERTY LINE
- APPROXIMATE ROW
- POTENTIAL PARK LOCATIONS
- POTENTIAL ON-SITE WELL LOCATION
- TRANSITION BUFFER
- BRIDGE CROSSING
- PAVING EXTENTS
- XXXX — BASE FLOOD ELEVATIONS (BFE)

LEGEND

1. PER EL PASO COUNTY DIRECTION, A BUFFER BETWEEN THE A-35 ZONE AND MORE DENSE RESIDENTIAL USE SHOULD BE PROVIDED. PUD DOCUMENT WILL DOCUMENT A BUFFER ZONE. THIS MAY BE IN THE FORM OF ONE OF THE FOLLOWING OR OTHER OPTIONS COORDINATED WITH EL PASO COUNTY AND THE TOWN OF CALHAN:
   - 1.1. LARGER LOT SIZE FOR EXTERIOR LOTS.
   - 1.2. LIMITING HOMES TO RANCH STYLE LAYOUTS
   - 1.3. PROVIDING LANDSCAPE BUFFERS OR ANOTHER TYPE OF SETBACK.
2. WATER MAIN EXTENSIONS SHALL BE PROVIDED AT ACCESS POINTS TO PROVIDE ACCESSIBILITY FOR FUTURE DEVELOPMENTS
3. ALL PROPOSED STREETS ARE TO BE PUBLICLY OWNED AND MAINTAINED

ADJACENT PROPERTY OWNERS

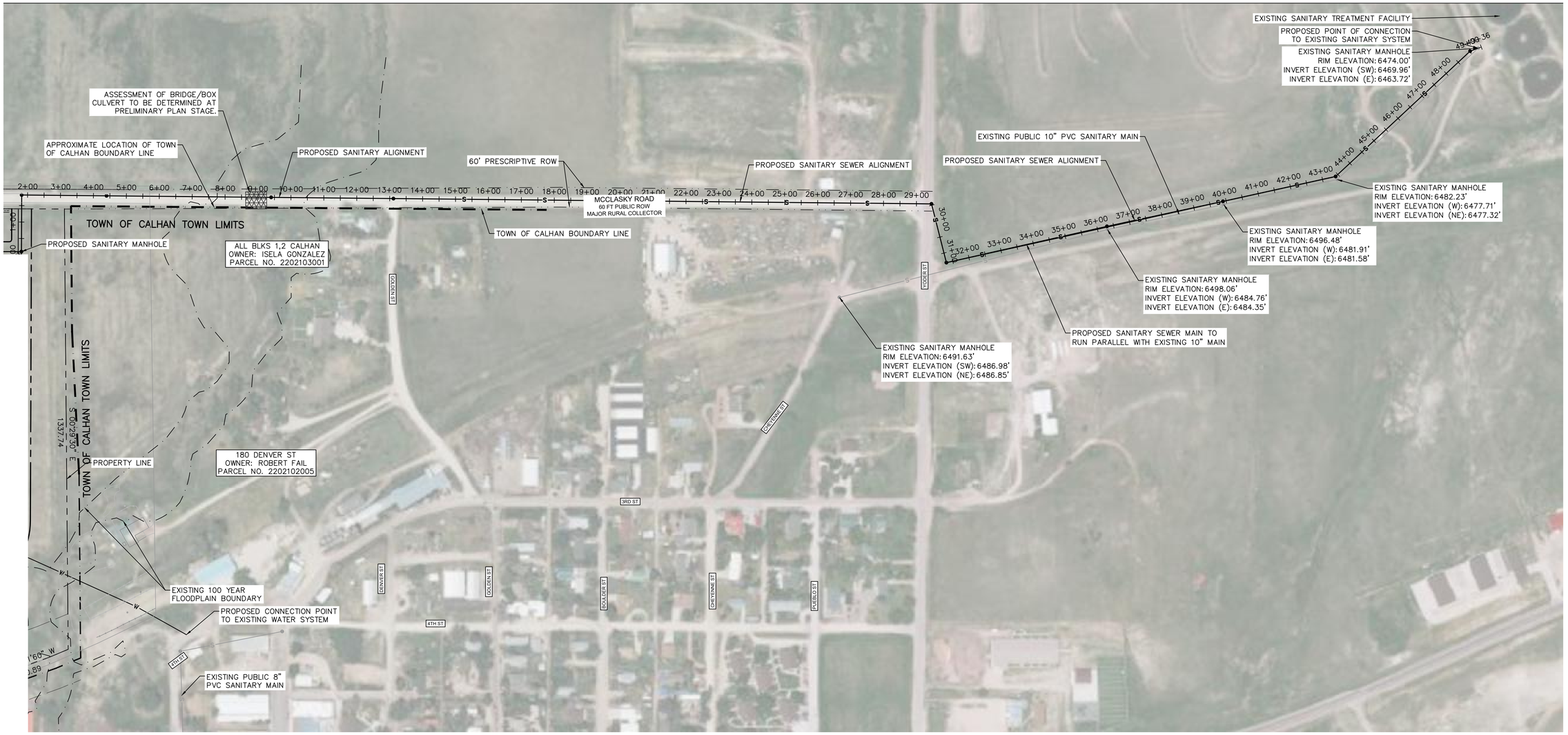
	OWNER	ADDRESS	USE	ZONE
1	ADAM M BALSICK	15640 N CALHAN HWY	DRY FARM LAND	A-35 (EL PASO COUNTY)
2	BAILEY R. BALSICK; GARRET M BALSICK	27990 MCCLASKY ROAD	DRY FARM LAND	A-35 (EL PASO COUNTY)
3	JERRY HARE; SUSAN HARE	27710 MCCLASKEY RD	GRAZING	A-35 (EL PASO COUNTY)
4	JEREMY W SHAVER; RIANA N SHAVER	27125 MCCLASKEY RD	GRAZING	A-35 (EL PASO COUNTY)
5	TAD T ULLOM; TAMARA ULLOM	27450 E HIGHWAY 24	GRAZING	A-35 (EL PASO COUNTY)
6	CALVIN M JOLLY; PATRICIA D. JOLLY	EIGHT ST.	SPECIAL PURPOSE	TOWN OF CALHAN
7	BANNISTER PAUL A	CRYSTOLA ST	MANUFACTURED HOUSING	TOWN OF CALHAN
8	CONTINENTAL PROPERTIES INC	CRYSTOLA ST	VACANT LAND, 1.0 TO 4.99	TOWN OF CALHAN
9	CONTINENTAL PROPERTIES INC	E HIGHWAY 24	RESIDENTIAL USE/ RECREATION	TOWN OF CALHAN
10	CALHAN TOWN OF	250 COLORADO AVE	EXEMPT NONRESIDENTIAL LAND - POLITICAL SUBDIVISION	TOWN OF CALHAN
11	FIELDS MELVIN; FIELDS AMBER	800 THIRD ST	SINGLE FAMILY RESIDENTIAL	TOWN OF CALHAN
12	GONZALEZ ISELA	MANITOU AVE	RESIDENTIAL	TOWN OF CALHAN

NORTH

GRAPHIC SCALE IN FEET
0 75 150 300

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2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

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LEGEND

- PROPERTY LINE
- TOWN OF CALHAN BOUNDARY LINE
- PROPOSED SANITARY MAIN
- EXISTING SANITARY MAIN

NOTES

1. EL PASO COUNTY ENGINEERING CRITERIA MANUAL UTILIZED FOR UTILITY DESIGN
2. ALL PROPOSED SANITARY MAIN ASSUMED TO BE 8" PVC @ 0.5% SLOPE

NORTH

GRAPHIC SCALE IN FEET
0 75 150 300

Kimley»Horn

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SANITARY UTILITY PLAN

SHEET 3 OF 3

NORTH TREE – EL PASO COUNTY, COLORADO

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