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Re: Viewpoint Estates Replat

Dear Ms. Rivas,

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the UBS District”). Applicant, MVE Inc., on behalf of Viewpoint Estates LLC, provided materials in support of its application to replat the Viewpoint Estates subdivision to include seven additional residential lots. Viewpoint Estates is located within the UBS District’s boundaries. The UBS District reviewed the Applicant’s application materials and submits the following comments:

Water Service for Viewpoint Estates

Section 30-28-133(3)(d), C.R.S. requires counties to adopt regulations that require “adequate evidence that a water supply that is sufficient in terms of quantity, quality, and dependability will be available to ensure an adequate supply of water” for proposed subdivisions. El Paso County requires, as part of every application for a final plat, a water resources report that includes “[p]roof of ownership or right of acquisition of use of existing or proposed water rights sufficient in quality, quantity and dependability to serve the proposed use including well permits, court decrees, well applications, export permits, etc..” See El Paso County Land Development Code § 8.4.7(B)(3)(c)(i). El Paso County specifies that “[n]o final plat will be approved without

adequate proof of ownership or the right of acquisition or use of existing and proposed water rights.” *Id.*, § 8.4.7(B)(6).

Applicant has not provided sufficient evidence of a suitable and available water supply to meet the demands of Viewpoint Acres. Applicant’s water resources report indicates that water will be supplied by Ellicott Utilities LLC. The report states that Ellicott Utilities LLC, in turn, has an entitlement to 50 acre-feet per year from Cherokee Metropolitan District, of which only 31.46 acre-feet per year will be used by the Viewpoint Estates and Antelope Acres subdivisions. *See* Water Resources Report at 2. This water supply would appear sufficient if Applicant provided additional evidence of Ellicott Utilities LLC’s contractual entitlement to 50 acre-feet per year from Cherokee. The 1988 Agreement between Cherokee and R.W. Case and C.H. McCallister is the purported basis for this entitlement. *See id.* at 1. Applicant should provide this agreement and additional evidence that Ellicott Utilities LLC is the rightful successor in interest to the benefits under the agreement.

Wastewater Treatment

According to the Application, discharged wastewater will apparently be treated through individual on-site wastewater treatment systems. *See* Wastewater Treatment Report at 4. The attached memorandum from the UBS District’s hydrogeologist, Mr. Mike Wireman, describes the UBS District’s concerns with individual on-site wastewater treatment systems.

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

Sincerely,



Mirko L. Kruse
for
TROUT RALEY

cc: UBSCGWMD Board of Directors

Encl.: Mike Wireman, Technical Memorandum, Issues/Concerns Related to Discharge of Wastewater Effluent to the Upper Black Squirrel Alluvial Aquifer from Densely Spaced Individual Sewage Disposal Systems (Feb. 16, 2021).