

SUBDIVISION APPLICATION AND SUMMARY FORM

PLEASE READ NOTE AND SIGN BELOW:

THE SUBMITTED APPLICATION PACKAGE REQUIRES SPECIFIC REPORTS/INFORMATION WHICH MAY NOT BE ADEQUATE AS DETERMINED THROUGH THE REVIEW PROCESS. ADDITIONAL INFORMATION MAY BE REQUIRED. ALSO, THE ACCEPTANCE OF THE APPLICATION PACKAGE DOES NOT MEAN THE SPECIFIC INFORMATION HAS BEEN APPROVED AND IN FINAL FORM. REVISIONS TO THE PLAN AND/OR REPORTS MAY BE REQUIRED. REQUESTS FOR WAIVERS OF ANY OF THESE REQUIREMENTS MUST BE ACCOMPANIED BY A LETTER OF JUSTIFICATION. THE BOARD OF COUNTY COMMISSIONERS WILL HEAR THE WAIVER REQUEST CONCURRENTLY WITH THE APPLICATION. DENIAL OF THE WAIVER REQUEST SHALL RENDER THIS APPLICATION INCOMPLETE AND RESULT IN THE REQUIREMENT FOR A NEW SUBMITTAL ACCEPTANCE DATE AND REVIEW PERIOD. YOUR SIGNATURE BELOW INDICATES ACCEPTANCE OF THESE CONDITIONS.

Date: _____ Type of Application: _____

Preliminary Plan No.

Owner's/Applicant's/Representative's Signature

If other than owner's signature, a letter of consent authorizing the applicant/representative to act in owner's behalf **must be included.**

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

Assessor's Tax Parcel No. _____

Subdivision Name: _____ **Filing No.** _____

Location of Subdivision: Township _____ Range _____ Section _____ 1/4 _____

Lot _____ Block _____ Subdivision _____

Legal Description and Acreage (attach if necessary): _____

Minimum Lot Size _____ **Existing Zone** _____

Proposed Zoning Change: MA No. _____ **Proposed Zone District** _____

Owners(s): Name _____

Address _____

Email _____ Telephone _____

Subdivider(s): Name _____

Address _____

Email _____ Telephone _____

Engineer or Surveyor: Name _____ **Reg. No** _____

Address _____ Telephone _____

Email _____

Type of subdivision	Number of Dwelling Units	Area (Acres)	% of Total Area
<input type="checkbox"/> Single Family	_____	_____	_____
<input type="checkbox"/> Apartment	_____	_____	_____
<input type="checkbox"/> Multi-Family	_____	_____	_____
<input type="checkbox"/> Condominium	_____	_____	_____
<input type="checkbox"/> Mobile Home	_____	_____	_____
<input type="checkbox"/> Total:	_____	_____	_____
<input type="checkbox"/> Commercial	N/A	_____	_____
<input type="checkbox"/> Industrial	N/A	_____	_____
<input type="checkbox"/> Other (Specify)	_____	_____	_____
	Street	_____	_____
	Walkways	_____	_____
	Dedicated School Sites	_____	_____
	Reserved School Sites	_____	_____
	Dedicated Park Sites	_____	_____
	Reserved Park Sites	_____	_____
	Private Open Areas	_____	_____
	Easements	_____	_____
	Other (Specify)	_____	_____
	Total	_____	_____

* By Map Measure

Estimated Water Requirements. _____ gallons/day

Proposed Water Source (s) _____

Estimated Sewage Disposal Requirement _____ gallons/day

Proposed Means of Sewage Disposal _____

-----**(FOLLOWING TO BE COMPLETED BY DEPT. OF PLANNING & DEV.)**-----

ACTION:

Planning Commission Recommendation

Approval ()

Denial ()

Remarks _____

Date _____, 20____

Board of County Commissioners

Approval ()

Denial ()

Exemption under C.R.S. 30-28-101 (10) (d) ()

Remarks (If exemption, state reason) _____

Date _____, 20____

PRELIMINARY PLAN REQUIREMENTS

SUBMITTAL CHECKLIST

THIS CHECKLIST MUST BE INCLUDED WITH YOUR APPLICATION
ONLY A COMPLETE APPLICATION PACKAGE WILL BE ACCEPTED

All submittal materials listed below shall also be submitted electronically, in .pdf (as applicable).

- _____ **Water Supply Information Summary Form (Office of State Engineer Requirement) – Attached**
- _____ **Subdivision Application and Summary Form** Pages 1 & 2 of this Application
- _____ **Letter of Request** Please follow requested format as shown on page 6
- _____ If the proposed subdivision is to include more than twenty (20) lots, proof of a developer's license held by the subdivider
- _____ The Preliminary Plan shall be drawn such that the accuracy of location of alignments, boundaries & monuments are certified by a Registered Land Surveyor in the State of Colorado. A poorly drawn or illegible Plan is sufficient cause for its rejection.
- _____ **Preliminary Plan** (2 copies folded no larger than 9" x 12")
Plan map shall be 24" x 36" that contains:
 - _____ Name of subdivision Preliminary Plan
 - _____ Subtitle containing Lot, Block, Subdivision Name/Tract Number Pueblo West/Unit Number Colorado City, Quarter Section, Section, Township, Range, 6th P.M., Pueblo County, Colorado
 - _____ Name and address of owner(s)
 - _____ Name and address of subsurface mineral right owner(s) & lessees
 - _____ Name and address of designer
 - _____ Legal description of property with total acreage
 - _____ Graphic and written scale: scale not less than 1" = 100'; variations can be accepted in case of large subdivisions & different scale can be used if approved in advance by the Director of the Department of Planning and Development
 - _____ Vicinity map with general location of subdivision, related existing and planned streets and highway systems, zoning district, taxing and other special districts, significant vegetation patterns
 - _____ Subdivision boundary layout
 - _____ Lot and street layout
 - _____ Lots and Blocks numbered consecutively
 - _____ Area of each lot to nearest 1/2 acre
 - _____ Area of dedicated roads to nearest 1/2 acre
 - _____ % of total area to be devoted to roads and other specified uses
 - _____ Location & identification of all existing and public & private easements
 - _____ Existing & proposed street names
 - _____ Sites to be reserved or dedicated for parks, playgrounds, schools or other public use
 - _____ Sites for (if any): multi-family dwellings; centers; community facilities; industry; other uses exclusive of single-family dwellings
 - _____ Common open space not dedicated or reserved to public
 - _____ Perimeter relevant information within ½ Mile - accesses, abutting subdivision outlines and names
 - _____ Abutting property lines
 - _____ Existing buildings; other easements; gas line; telephone lines; power lines & other features on & within 200' of proposed subdivision boundaries

- _____ Location, size, & proposed use of all easements (all utilities must be constructed within approved easements).
- _____ Soil types & boundaries based on NLSS, USDA, SCS
- _____ Interpretations/descriptions for soil types shown
- _____ Significant geologic features
- _____ Trees over 6" diameter at 6' above ground
- _____ Outline heavily wooded areas and show location of trees which are to remain
- _____ Topography (elevations based on NGS Sea Level Data)
 - _____ Existing contours at 1' intervals for predominantly level topography throughout subdivision
 - _____ Existing contours at 2' intervals for predominant ground slopes between level ground and 5% grade
 - _____ Existing contours at 5' intervals for slopes over 5% grade
- _____ Generalize grading plan identifying cut & fill & street gradients; proposed contours as solid lines & existing contours as dashed lines
- _____ Approximate boundaries of areas subject to inundation of storm water overflows of an intensity estimated to occur with a return frequency of once every hundred years
- _____ Water courses & proposed storm water drainage systems including culverts; water areas; streams; areas subject to occasional flooding; marshy areas; swamps

- _____ Preliminary Drainage Report shall document the drainage system & that Report shall be developed in accordance with the General Engineering Specifications for Drainage as set forth in the Pueblo County Code, Title 16, SUBDIVISIONS, Chapter 16.56, General Engineering Specifications 16.56.010, Drainage. (NOTE: Detail design of drainage structures not required for preliminary report.)

- _____ A .PDF (adobe acrobat) file of the plan.

- _____ PCPC shall determine from review of the Preliminary Plan whether the Subdivider will be Required to Provide Soil Erosion and Sedimentation Control Plans and Specifications as prepared by a Registered Professional Engineer or the U. S. Soil Conservation Service, using the County conservation standards or the soil & water conservation plan.

- _____ If Soil Erosion & Sedimentation Control Plans are Required, the Preliminary Plan submission shall not be considered complete until such Plans have been submitted to the Board, or its designated agent, who shall furnish the Subdivider with a receipt and transmit the Plans to the Planning Commission for review of the Preliminary Plan.

- _____ Text identifying the function, ownership & manner of maintenance of non-dedicated or non-reserved for public use of common open space, if applicable.

- _____ Text identifying the substance of all covenants, grants of easements or restrictions to be imposed upon the use of land, buildings, & structures.

- _____ Geologic Suitability Report prepared by a Professional Geologist

- _____ Table of soil type interpretations from the SCS Soil Survey of Pueblo Area, CO text.

- _____ Copies of all monument records pursuant to C.R.S. 38-53-103; survey notes of subdivision perimeter survey may be required by the Dept. of Planning and Development.

- _____ Abstract of title for property, or evidence of a title insurance policy & related supporting materials - no more than 30 days old from the date of submittal.

- _____ Text of the following if not already identified on the Subdivision Application and Summary Form or in other text:
 - _____ Total number of proposed dwelling units
 - _____ Total number of square feet of proposed non-residential floor space
 - _____ Total number of proposed off-street parking spaces, excluding those associated with single-family residential development
 - _____ Estimated total number of gallons per day of water system requirements
 - _____ Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed

- _____ Estimated construction costs & finance method for providing required services & related facilities - street, water, sewage, storm drainage & other utilities

- _____ Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed - refer to the Pueblo County Code, Title 16, SUBDIVISIONS, Chapter 16.28, Preliminary Plan Requirements, 16.28.040, Text O.

- _____ Evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision of such service is to be provided by an existing district

- _____ The owner and/or subdivider shall provide evidence to the Planning Commission and, thereafter, to the Board of County Commissioners, that notice of the time and place and subject matter of the hearing before the Pueblo County Planning Commission and the hearing before the Board of County Commissioners on the preliminary plan application has been sent to all owners of subsurface mineral interests and to lessees of subsurface mineral interests, if any, by registered mail, not less than five (5) days before the date fixed for each of said hearings. Neither the Planning Commission or the Board of County Commissioners shall act upon a request for preliminary plan review and approval until such time as proof of the notice required herein has been offered to and accepted by each respective body.

PRELIMINARY PLAN
SUPPLEMENTAL INFORMATION

The submittal deadline is 2:00 p.m. on the 1st Wednesday of each month. Complete applications will be scheduled before the Pueblo County Planning Commission and the Board of County Commissioners. Information on the specific meeting/hearing dates can be obtained from the Department of Planning and Development or online at

http://county.pueblo.org/sites/default/files/documents/2015_BCC_PCPCMTGDATES.pdf

Notice of the public meeting (Planning Commission) and hearing (Board of County Commissioners) will be sent to property owners whose property abuts or is within three hundred feet (300 ft.) of the exterior boundaries of the subject property. Notice of the proposed preliminary plan will be posted on or near the subject property and published in the newspaper.

GUIDELINE
FOR A
“LETTER OF REQUEST”

Where applicable, please provide the following information, in a letter format, to serve as a “Letter of Request” for all Department applications:

1. Date of Application.
2. Owner and Owner’s Representative or Consultant (Addresses, telephone numbers and email).
3. Site location, dimensions and size of property (in feet and acres), and present zoning.
4. Action requested and the reason/purpose for the request.
5. Existing and proposed facilities, structures, roads, etc.
6. **WAIVER OF ANY REQUIRED INFORMATION/REPORTS AND JUSTIFICATION FOR THE WAIVER MUST BE INCLUDED IN THIS LETTER.**

NOTICE: THE PUEBLO BOARD OF COUNTY COMMISSIONERS AND THE PUEBLO COUNTY PLANNING COMMISSION ENCOURAGE YOU TO TALK WITH YOUR NEIGHBORS REGARDING YOUR PROPOSED LAND USE OR ACTIVITY.

As a part of the processing of your land use application, notice of your proposed use or activity will be sent to all property owners within three hundred (300) feet of the property, a poster style notice will be posted on or near the property and a public notice will be published in the newspaper. The notice will briefly provide the time and date of the Planning Commission and Board of County Commissioners (when applicable) meetings or hearings related to your request.

The Pueblo Board of County Commissioners and the Pueblo County Planning Commission strongly encourage you to meet with the residents/owners in the area prior to these meetings or hearings to explain your proposed use or activity and to listen to concerns or suggestions the area residents may have. Such meetings may alleviate many concerns of the area residents/owners and may lead to a more efficient public meeting/hearing process.

March 4, 2005

MEMORANDUM

TO: ALL COUNTY LAND USE PLANNING DIRECTORS

FROM: HAL SIMPSON, STATE ENGINEER

SUBJECT: STATE ENGINEER'S ACTIONS ON PROPOSED WATER SUPPLIES FOR LAND USE ACTIONS

On August 7, 1995, I sent a memorandum to the Land Use Planning Directors for each county in the state. The memorandum addressed the State Engineer's responsibilities in providing "an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision" as required under Section 30-28-136(h)(l) C.R.S. The primary objective of that memo was to inform the Land Use Planning Directors and their staff ("County") that effective August 31, 1995, the State Engineer's Office ("SEO") would no longer respond to comments regarding county land use actions that do not involve the subdivision of land as defined in Section 30-28-101(10)(a) C.R.S. ("Subdivision"). The reason I adopted that approach in 1995 was to ensure that my staff would be able to satisfy the statutory requirement of responding to those land use actions that do meet the definition of a Subdivision.

In addition to explaining that approach, the memorandum provided a *Water Supply Information Summary* form and Guidelines for the County's use in determining exempt well permit availability in situations that did not involve a Subdivision.

I find it is appropriate to update the information provided in that memorandum. This memorandum supercedes the memorandum dated August 7, 1995. County land use planning directors and their staff should read this memorandum and become familiar with the content. **A copy of this memorandum should be provided to all developers that are submitting a water supply plan to the county. This memorandum provides valuable information that will guide the developer when creating a water supply plan for a subdivision and reviewing this memorandum will save the developer valuable time and resources in many cases.**

SUBDIVISION WATER SUPPLY PLAN REVIEW

The SEO will continue to provide timely review and an opinion regarding material injury and adequacy for water supply plans for Subdivisions as those water supply plans are submitted to the SEO by referral from the County. The opinion will be completed within the statutory 21-day requirement. The SEO'S Water Supply Plan Review Requirements For Subdivisions are found in Attachment A on Page 3.

The SEO will not respond to water supply plans that are submitted by parties other than the County. This includes amended water supply plans that address concerns raised by the SEO in a previous response. Those amended plans must also be submitted through the County.

The SEO has no statutory responsibility to review land use actions that do not involve the subdivision of land as defined in Section 30-28-101(10)(a). These actions include, but are not limited to lot line adjustments, zone change requests, special use of land, division by exemption, and cluster developments. To assist the County in evaluating the water supply for these 'non-Subdivision' land use actions, this memorandum includes water supply evaluation guidelines in Attachment B, Page 8. If the County finds it is appropriate to submit a written request concerning a specific 'non-Subdivision' land use action, the SEO will perform a cursory review and provide only informal comments regarding the proposed water supply. Those comments will identify any concerns or issues that the SEO identifies through cursory review that may present themselves at such time that the developer of the subject land implements the water supply. The comments will not state an opinion on the adequacy of the water supply or the ability of the water supply plan to satisfy any County regulations or requirements. The comments cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water. If the SEO does not identify concerns or issues related to the proposed water supply, the SEO will respond with no comment regarding the water supply. The response will also state that the SEO does not necessarily take the position that the water supply plan is valid.

Therefore, each referral submitted to the SEO must clearly identify whether the proposed action is a Subdivision or does not qualify as a Subdivision according to the definition in C.R.S. 30-28-101(10)(a).

WATER SUPPLY PLAN INFORMATION FOR SUBDIVISIONS

The water supply plan must be included in all Subdivision referrals from the County. That plan must identify the Subdivision's estimated water supply requirements and demonstrate the adequacy of the proposed water supply. The *WATER SUPPLY INFORMATION SUMMARY* form that is included with this memo as Attachment C on Page 11 may be used as a guide and in many cases will be sufficient. However, for many subdivisions the water supply plan must include a water supply report. The Water Supply Information Summary or the report should identify, at a minimum: the number of lots; the type of use and the demand, by lot; and the total water requirement. The SEO will review the Water Supply Information Summary or water supply report to ensure the water use values are reasonable for the described uses and are consistent with SEO accepted demand/consumptive use values unless specific information is supplied to support different use values or the values are indicated in a court approved augmentation plan or, for a subdivision located in a Designated Basin, a Ground Water Commission approved replacement plan. The SEO may consider, but is not obligated to follow County Land Development Codes or Rules.

The maps in Attachment D on Page 12 show the boundaries of the Designated Basins and the approximate locations of the Denver Basin bedrock aquifers.

ATTACHMENT A

The SEO will apply specific review criteria to water supply plans that rely on sources of water as listed below:

SEO'S WATER SUPPLY PLAN REVIEW REQUIREMENTS FOR SUBDIVISIONS

1. Source is a Municipality or Quasi-Municipality

If the water supply is to be provided by a municipality or quasi-municipality (i.e. a Water District, a Water and Sanitation District, etc.), the SEO will review the submittal to ensure that it includes:

- a. A letter of commitment from the municipality or quasi-municipality referencing the subdivision name (as submitted to the county) and a level of commitment in terms of uses to be served.
- b. As required by C.R.S. 30-28-136(1)(h)(II), a report from the municipality or quasi-municipality documenting the amount of water that can be supplied to the subdivision, containing the following:
 - i. A summary of the water rights owned and controlled by the municipality.
 - ii. The anticipated yield of these rights in both an average and dry year.
 - iii. The present demand on the municipality, and the anticipated demand due to commitments for service entered into by the municipality that are not yet supplied.
 - iv. The amount of uncommitted firm supply the municipality has available for future commitment and development.
 - v. A map of the municipality's service area.

The above information should be provided in a manner that demonstrates that the municipality has sufficient water resources to meet its commitments in terms of an overall annual water supply and daily availability. Note that, for many of these providers, the SEO maintains files that document the firm water supplies and the amount of water that has been committed to subdivisions. If that information is on file, this statement may not be necessary.

The SEO may request updated information from the municipality or quasi-municipality if it appears the information has not been updated within three calendar years, or when the commitments reach a total that is close to the firm yield (approximately 90 percent)

- c. Proposed uses that correspond to the uses of the municipality or quasi-municipality's water rights.
- d. For a Subdivision located in a Designated Basin, proposed place of use (the Subdivision) that corresponds with the place of use listed on Permit or Determination of Water Right.

2. Source is Wells Withdrawing Tributary Ground Water or any Designated Ground Water from a Non-Denver Basin Aquifer

If the water supply is to be provided by wells withdrawing tributary ground water or designated ground water from any non-Denver Basin aquifer:

- a. The SEO will review the submittal to ensure that all uses are consistent with the uses in a court-decreed augmentation plan or, if in a designated basin, the uses in a commission approved replacement plan.

(Note: For areas outside of the Designated Basins, a source of water that is approved through a substitute water supply plan is not an acceptable water supply for inside domestic uses; a court decreed augmentation plan is required. However, if the water supply plan includes lawn and garden irrigation from a source that is not yet subject of a court-decreed augmentation plan, the SEO will evaluate that component of the water supply plan for adequacy and potential injury independently, however, the source of water to be used for lawn and garden irrigation may be subject to curtailment until the developer acquires a court-approved augmentation plan for that source. The SEO will not comment unfavorably on the entire plan due to failure of that one aspect.)

- b. If in a Designated Basin, the SEO will review the submittal to ensure that the proposed place of use (the subdivision) corresponds with the place of use listed on the well permit.
- c. State statute requires that the SEO provide an opinion regarding the water supply's adequacy to meet the requirements of a proposed subdivision [C.R.S. 30-28-136(h)(l)]. Therefore, the SEO will review the submittal to ensure that there is evidence that a water supply is physically adequate. This evidence should be in the form of a hydrologist's or geologist's report that may include information from a test well or wells.

3. Source is Individual, On-lot, Exempt/Small Capacity Wells Withdrawing Denver Basin Ground Water Considered to be Nontributary, or Other Ground Water Determined to be Nontributary. The Water that has not been adjudicated or is not Subject of a Determination of Water Right**

If the water supply is to be provided by individual on-lot wells from a Denver Basin aquifer and is considered nontributary**, or a formation that is determined to be nontributary by statutory definition [C.R.S. 37-90-103(10.5)], and the ground water has not been adjudicated or is subject of a Determination of Water Right, the SEO will review the water supply plan to ensure that:

(** note: for a subdivision located in a Designated Basin, the subdivision may also use a source that is not-nontributary with a 4 percent replacement requirement, without the need for a replacement plan)

- a. The developer has identified a specific source (for example, Dawson, Denver, Arapahoe, Laramie-Fox Hills),
- b. The developer has properly quantified the amount of water using aquifer characteristics that are consistent with the Denver Basin Rules or site-specific information that has been validated by the SEO geotechnical staff.

- c. The subdivision's proposed water supply has not been previously allocated through existing decrees, well permits, pre-Senate Bill 213 type wells, Determinations of Water Rights, or other claims to the water.
- d. The amount of water available annually, on the basis of an aquifer life of 100 years, is greater than or equal to the amount of water required.

(Note: The amount of water available annually should be quantified as described in Rule 8 of the Statewide Nontributary Ground Water Rules. **The water supply plan must ensure that the smallest parcel in the subdivision has adequate land area such that the calculation of the water available underlying that land area is sufficient to satisfy its needs.** Small parcels may not 'borrow' land area from larger parcels to increase the amount of water available to the small parcel since the well permit will ultimately be issued pursuant to C.R.S. 37-92-602(3)(b)(I) or 37-90-105(3)(c), which requires a land area evaluation. If the developer cannot provide a water supply to the smaller parcels because of this, the developer may pursue a water court decree or Determination of Water Right that will "separate" the water from the land and allow it to be deeded to individual landowners in the amounts necessary to provide a water supply.

Additionally, to satisfy a county's "300-year water supply approach", the developer may state that each lot will use one aquifer for a portion of the 300-year period (the first 100 years), then, a deeper aquifer for subsequent portions of the 300-year period (the remaining 200 years). This approach is acceptable, however, it is entirely the developer's responsibility to identify, by lot number, the aquifer that will be used for each lot and for which period of time. In no case will the SEO approve a plan where the engineer makes that determination in the response to the County or where that determination is left to the well permit applicant or permit evaluator in the future. In this situation, the SEO response will state that the lot owners should be notified through plat notes or other means of the specific restrictions.)

- e. The amount of water available considers any 300-year water supply approach or similar approach that is currently used by the referring county.
- f. The proposal meets all applicable Ground Water Management District rules, if located within a Designated Basin.

4. Source is from a Denver Basin Aquifer that has been Decreed or, for the Designated Basins, is Subject of a Determination of Water Right

If the ground water is from a Denver Basin aquifer and is considered to be nontributary or not-nontributary and has been adjudicated by Water Court or has a Determination of Water Right/Permit issued by the Ground Water Commission, the SEO will review the water right to ensure that:

- a. The developer has identified a specific source (for example, Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer),
- b. The amount of water available annually, according to the court-approved decree or Commission-approved Determination of Water Right/Permit, is

greater than or equal to the amount of water required for the entire subdivision.

(Note: The adjudication/quantification of nontributary or not nontributary ground water "separates" the ownership of the water from the land. Therefore, individual lot owners that apply for well permits will require a 'special warranty deed' or other document by which ownership of an amount of water is transferred to the lot owner from the original landowner. Such a deed will not be necessary if a Homeowner's Association ("HOA") will be created to take ownership of the water rights and the HOA will have the necessary mechanism to convey the water rights to members of the HOA. The water supply plan must identify whether water will be deeded to individual lot owners or owned by a HOA. In comments to the County, the SEO will add a note that indicates whether there will be a "HOA" that will take ownership of the water rights and to which each homeowner must belong. If so, well permit applicants will not require a "special warranty deed" granting them the rights to use the amount of water identified in the water supply plan. If water will be deeded to individual lot owners, well permit applicants will be required to provide to this office a copy of the 'special warranty deed' or other document conveying the water right to the lot owner.)

- c. The proposed uses correspond to the uses of the vested water rights to be used.
- d. If in a Designated Basin, the proposed place of use (the Subdivision) corresponds with the place of use listed on the well permit or Determination of Water Right.
- e. The water supply plan is consistent with the specific terms and conditions of a court-approved augmentation plan or Ground Water Commission-approved replacement plan, if one was developed.
- f. The amount of water available considers any 300-year water supply approach or similar approach that is currently used by the referring county.

(Note: To satisfy a county's "300-year water supply approach", the developer may state that each lot will use one aquifer for a portion of the 300-year period (the first 100 years), then, a deeper aquifer for subsequent portions of the 300-year period (the remaining 200 years). Or, a developer may state that a predetermined number of lots will use a shallower aquifer while other lots will use a deeper aquifer. These approaches are acceptable, however, it is entirely the developer's responsibility to identify, by lot number, the aquifer that will be used for each lot and for which period of time. In no case will the SEO approve a plan where the engineer makes that determination in the response to the County or where that determination is left to the well permit applicant or permit evaluator in the future. In these situations, the SEO response will state that the lot owners should be notified through plat notes or other means of the specific restrictions.)

Additionally, the following comments apply to the four SOURCE OF WATER SUPPLY categories listed above.

1. If the water supply plan relies on an adjudicated water right, and the decree for that water right is not yet final, the SEO will not include consideration of the water that is subject of that water right. Similarly, if the water supply plan relies on water rights, changes to water rights, or replacement plans that are pending review by the Ground Water Commission but have not been approved, the SEO will not include consideration of the water that is subject of that water right.
2. The SEO's determination that a water supply is "adequate" requires evidence that volume and flow rate required is physically and legally available, but does not necessarily include infrastructure beyond the wellhead, storage vessel, diversion or release point. For example, the SEO does not comment on the design of the piping and pump stations needed to deliver water throughout the system at required pressures.
3. The adequacy of a water supply plan in the Denver Basin aquifers is evaluated using estimates of legally available water based on information available at the SEO and may not necessarily reflect the physical availability of water. Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life under the provisions of C.R.S. 37-90-137(4)(b)(I). For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

ATTACHMENT B

WATER SUPPLY EVALUATION GUIDELINES FOR LAND USE ACTIONS THAT DO NOT INVOLVE A SUBDIVISION

The SEO will not provide a comprehensive opinion for land use actions that do not involve a Subdivision. In these cases the developer must rely on an engineering consultant or use the guidelines included below. In any case, the decision to issue a well permit will not be evaluated until a well permit application has been submitted to the SEO. In situations where the land use action will be creating a parcel of land (for example, recorded exemption), the SEO cannot accept well permit applications until the land use action is final.

These guidelines may be used by your staff or the developer to make a preliminary determination of the availability of a well permit for parcels addressed in land use actions that do not involve a subdivision of land and which rely on a well as a water supply. The SEO will evaluate well permits according to the criteria described below using rules and statutes in place at the time of application. Well permits of the types described below can often be approved under the 2004 statutes when the land involved meets the respective parcel definition and the proposed well will meet the water use and return flow conditions stated below. Note the SEO's evaluation process may find that there is a well on the subject parcel or on a neighboring parcel that may 'encumber' the land on the parcel and prevent the SEO from issuing a well permit.

Below are the possible categories of land use actions that do not involve a subdivision and the types of well permit for which the SEO may evaluate an application:

1. **a) 'Pre June 1, 1972' Parcels; b) Parcels created after June 1, 1972 to which the statutory definition of a subdivision does not apply; or c) Parcels that the County has "Exempted" from the subdivision process**

Description

- a. A parcel that was created prior to June 1, 1972 (the date on which SB72-35 was enacted). A well permit applicant will need to submit proof that the parcel existed prior to June 1, 1972. This may be in the form a plat or deed of transfer dated before June 1, 1972. The documentation must include a legal description of the parcel. Or,
- b. A parcel that was created after June 1, 1972 and satisfies the criteria in C.R.S. 30-28-101(10)(c). Or,
- c. A parcel that was created after June 1, 1972 and has been exempted from the "subdivision process" by the County as described in C.R.S. 30-28-101(10)(d). A well permit applicant will need to submit proof that the parcel has been exempted from the "subdivision process" in the form a county resolution or plat with the proper documentation.

Well Permit Evaluation for Areas Outside a Designated Basin

- a. The SEO will evaluate this type of parcel for a Household Use Only well permit.
- b. If the applicant requests, the SEO will evaluate this type of parcel for a 'Commercial Exempt' well permit (Drinking and Sanitary uses only in a single business, not to exceed 0.33 acre-feet annually and not to be used for any outside purposes.)

- c. If the parcel overlies a nontributary Denver Basin aquifer or a not nontributary Denver Basin aquifer with a "four-percent replacement" requirement, the landowner has the potential to get a well permit for additional dwellings and outside domestic uses.
- d. If the parcel overlies a nontributary Denver Basin aquifer, the landowner has the potential to get a well permit for commercial uses beyond Drinking and Sanitary uses and 0.33 acre-feet annually.

Well Permit Evaluation for Areas Inside a Designated Basin

- a. The SEO will evaluate this type of parcel for a residential well permit for no more than three single-family dwellings, including the normal operations associated with such dwellings including the irrigation of not more than one acre of land; subject to all applicable Ground Water Management District Rules if the parcel is located within such a district.
- b. If the applicant requests, the parcel may be evaluated for small-capacity commercial use subject to all applicable Ground Water Management District rules.

2. "35-acre" Parcels

Description

A parcel that is 35 acres or larger and not composed of multiple subdivided parcels. A well permit applicant must submit a legal description of the parcel.

Well Permit Evaluation for Areas Outside a Designated Basin

- a. For most areas of the state, the SEO will evaluate this type of parcel for household use and outside uses. Unless the applicant specifically requests livestock uses only, the SEO will evaluate the well permit for use in up to three single-family dwellings, one acre of home lawn and garden irrigation, domestic animal watering and livestock watering.
- b. If the applicant requests, the SEO will evaluate this type of parcel for a 'Commercial Exempt' well permit (Drinking and Sanitary uses only in a Single business, not to exceed 0.33 acre-feet annually)
- c. If the parcel overlies a nontributary Denver Basin aquifer or another aquifer determined to be nontributary, the landowner has the potential to get a well permit for commercial uses beyond Drinking and Sanitary uses and 0.33 acre-feet annually.

Well Permit Evaluation for Areas Inside a Designated Basin

- a. The SEO will evaluate this type of parcel for a residential well permit for no more than three single-family dwellings, including the normal operations associated with such dwellings including the irrigation of not more than one acre of land; subject to all applicable Ground Water Management District Rules if the parcel is located within such a district.

- b. If the applicant requests, the parcel may be evaluated for small-capacity commercial use subject to all applicable Ground Water Management District rules.

3. 'Cluster Development' Parcels

Description:

A parcel that satisfies the statutory provisions of C.R.S. 30-28-401, 30-28-402, 30-28-403, and 30-28-404, as amended in 2001. The County may approve cluster developments in accordance with a rural land use planning process enacted and adopted by the County. At least two-thirds of the total tract area must be reserved for preservation of open space. The number of residential lots may not exceed one lot for each seventeen and one-half acres of total tract area.

No later than ten days after County approval of a cluster development, the County shall notify the SEO of such approval and shall provide a copy of the approved rural land use plan that includes the cluster development. For administrative purposes, the plan must include a copy of a survey plat that describes the entire land area associated with the plan, identifies the set aside open space area, and describes the residential lots within the land area..

Well Permit Evaluation for Areas Outside a Designated Basin

The SEO will evaluate this type of parcel for household use and outside uses. The uses of the well will be limited by a permitted maximum annual amount. One well permit may be obtained for each residential lot. The total amount of water available to all lots in the cluster development is equal to one acre-foot for each full 35-acre-parcel, with no consideration for any additional fraction of a 35-acre parcel. The total amount available will be divided equally between each of the lots.

For example, a Cluster Development with seven lots on 150 acres has four full 35-acre parcels. Therefore four acre-feet of water is available to the lots in the development. Split evenly among the seven lots, the four acre-feet allows for 0.57 acre-feet annually per lot.

Parcels that are approved as a part of a cluster development are not eligible for consideration for uses greater than those described above. For example, a 35-acre lot that is part of a cluster development, will not be eligible for use beyond those allowed by the parcel's allotment of the one acre-foot per full 35-acre parcel.

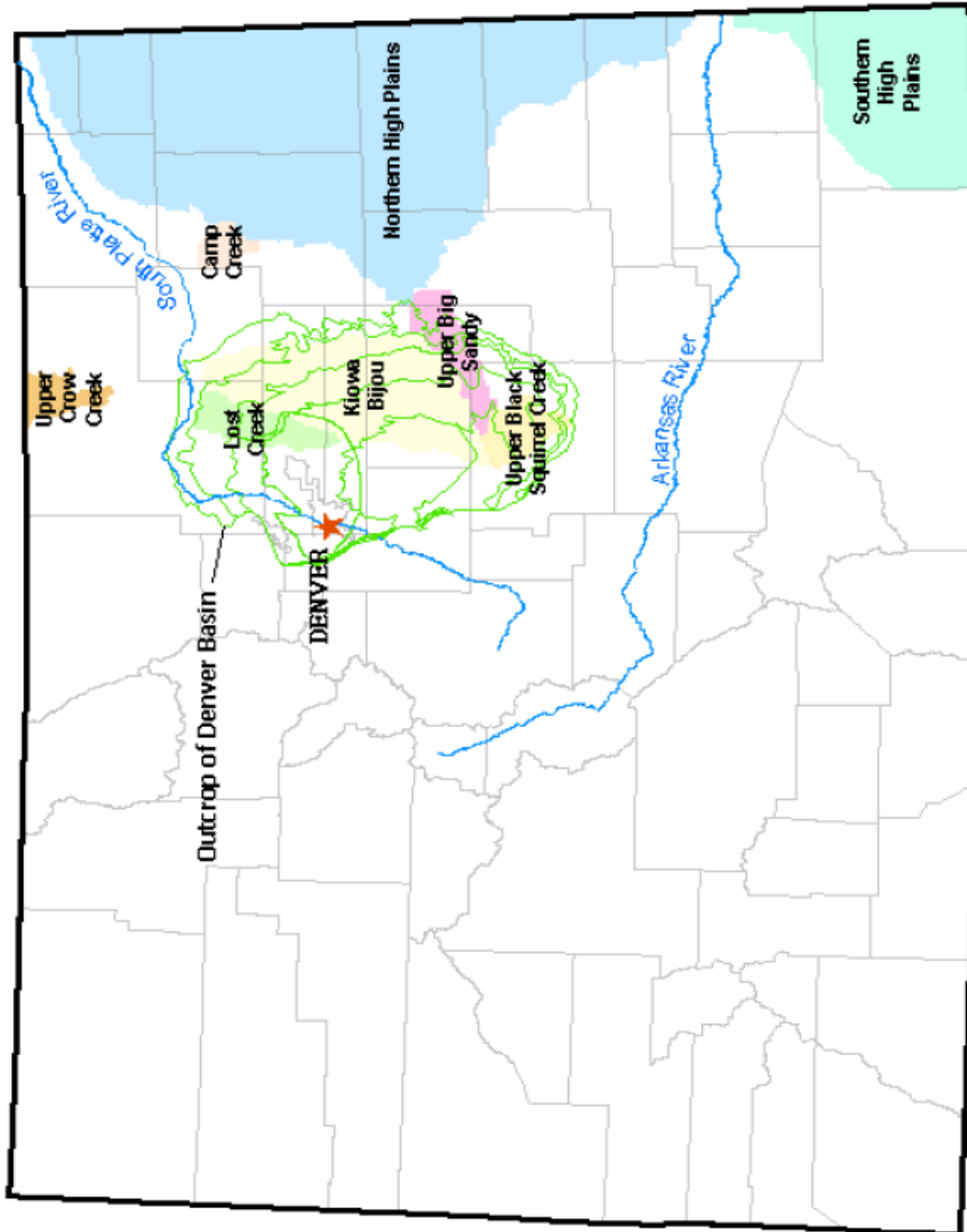
Well Permit Evaluation for Areas Inside a Designated Basin

The SEO will evaluate applications for a residential well permit for no more than one single-family dwelling, including the normal operations associated with such dwelling including the irrigation of not more than one acre of land; subject to all applicable Ground Water Management District Rules if the parcel is located within such a district.

Attachment C

FORM NO. GWS-76 02/2005	WATER SUPPLY INFORMATION SUMMARY STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 818, Denver, CO 80203 Phone – Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us		
Section 30-28-133,(d), C.R.S. requires that the applicant submit to the County, "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."			
1. NAME OF DEVELOPMENT AS PROPOSED:			
2. LAND USE ACTION:			
3. NAME OF EXISTING PARCEL AS RECORDED:			
SUBDIVISION: _____, FILING (UNIT) _____, BLOCK _____, LOT _____			
4. TOTAL ACREAGE:		5. NUMBER OF LOTS PROPOSED _____ PLAT MAP ENCLOSED? <input type="checkbox"/> YES or <input type="checkbox"/> NO	
6. PARCEL HISTORY – Please attach copies of deeds, plats, or other evidence or documentation.			
A. Was parcel recorded with county prior to June 1, 1972? <input type="checkbox"/> YES or <input type="checkbox"/> NO B. Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES or <input type="checkbox"/> NO If yes, describe the previous action: _____			
7. LOCATION OF PARCEL – Include a map delineating the project area and tie to a section corner.			
_____ 1/4 of the _____ 1/4, Section _____, Township _____ <input type="checkbox"/> N or <input type="checkbox"/> S, Range _____ <input type="checkbox"/> E or <input type="checkbox"/> W Principal Meridian: <input type="checkbox"/> Sixth <input type="checkbox"/> New Mexico <input type="checkbox"/> Ute <input type="checkbox"/> Costilla Optional GPS Location: GPS Unit must use the following settings: Format must be UTM, Units must be meters, Datum must be NAD83, Unit must be set to true N, <input type="checkbox"/> Zone 12 or <input type="checkbox"/> Zone 13 Easting: _____ Northing: _____			
8. PLAT – Location of all wells on property must be plotted and permit numbers provided.			
Surveyor's Plat: <input type="checkbox"/> YES or <input type="checkbox"/> NO If not, scaled hand drawn sketch: <input type="checkbox"/> YES or <input type="checkbox"/> NO			
9. ESTIMATED WATER REQUIREMENTS		10. WATER SUPPLY SOURCE	
USE	WATER REQUIREMENTS	<input type="checkbox"/> EXISTING WELL <input type="checkbox"/> DEVELOPED SPRING WELL PERMIT NUMBERS _____ _____ _____ <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> COMPANY <input type="checkbox"/> DISTRICT NAME _____ LETTER OF COMMITMENT FOR SERVICE <input type="checkbox"/> YES or <input type="checkbox"/> NO	<input type="checkbox"/> NEW WELLS - PROPOSED AQUIFERS – (CHECK ONE) <input type="checkbox"/> ALLUVIAL <input type="checkbox"/> UPPER ARAPAHOE <input type="checkbox"/> UPPER DAWSON <input type="checkbox"/> LOWER ARAPAHOE <input type="checkbox"/> LOWER DAWSON <input type="checkbox"/> LARAMIE FOX HILLS <input type="checkbox"/> DENVER <input type="checkbox"/> DAKOTA <input type="checkbox"/> OTHER: _____ WATER COURT DECREE CASE NUMBERS: _____ _____ _____
HOUSEHOLD USE # _____ of units	Gallons per Day _____ Acre-Foot per Year _____		
COMMERCIAL USE # _____ of S. F	_____		
IRRIGATION # _____ of acres	_____		
STOCK WATERING # _____ of head	_____		
OTHER: _____	_____		
TOTAL	_____		
11. WAS AN ENGINEER'S WATER SUPPLY REPORT DEVELOPED? <input type="checkbox"/> YES or <input type="checkbox"/> NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
<input type="checkbox"/> SEPTIC TANK/LEACH FIELD <input type="checkbox"/> LAGOON <input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design.)		<input type="checkbox"/> CENTRAL SYSTEM DISTRICT NAME: _____ <input type="checkbox"/> VAULT LOCATION SEWAGE HAULED TO: _____ <input type="checkbox"/> OTHER: _____	

ATTACHMENT D
COLORADO STATE MAP SHOWING
THE DENVER BASIN AND THE DESIGNATED BASINS





DIVISION OF WATER RESOURCES

John W. Hickenlooper
GovernorMike King
Executive DirectorDick Wolfe, P.E.
Director/State Engineer**CHECKLIST FOR COUNTY SUBMITTALS REGARDING PROPOSED LAND USE ACTIONS**

The following checklist should be completed to ensure all submittals to the Division of Water Resources regarding proposed land use actions include the necessary information required by this agency. Please note that by statute, this agency has 21 days to respond to County submittals; therefore, please submit complete packet of materials with all supporting documentation and labeled exhibits at least 21 days prior to the date comments will be needed by. Incomplete submittals will be returned to the County for additional information. Sections A and B are to be submitted to State Engineers Office, 1313 Sherman Street, Rm 818, Denver, CO 80203. For Sections C and D: submit to the Division of Water Resources at 310 E. Abriendo, Ste. B, Pueblo, Colorado 81004.

- Name of proposed project: _____
- Definition of proposed land use action (please select only one below)
- Cluster development as defined by §30-28-403, C.R.S.
- **Proceed to Section A (Below)**
 - Subdivision as defined by §30-28-136(h)(l), C.R.S.
- **Proceed to Section B**
 - Land division exempted from statutory subdivision process identified in §30-28-133, C.R.S.
- **Proceed to Section C**
 - Special use, zoning, or other land use action that does not involve a division of land
- **Proceed to Section D**

Section A – Cluster Development

By March 11, 2011 memorandum from the State Engineer, this office recommended that all Counties forward land use actions that split parcels of land but do not involve the subdivision of land as defined in §30-28-101(10)(a), C.R.S., including cluster developments, for comment in any case where the land has an existing well(s) or permit(s) issued for construction of a well. In such a case, this office will inform the County that upon completion of the cluster development, the existing well owner(s) or permit holder(s) must re-permit the well consistent with a procedure outlined in Section 3, Attachment B of the State Engineer's March 4, 2005 memorandum to all county land use planning directors, and summarized below.

No later than ten days after County approval of a cluster development, the County shall notify this office of such approval and shall provide a copy of the rural land use plan that includes the cluster development. The plan must include **a copy of the survey plat that describes the entire land area associated with the plan, identifies the set aside open space area, and describes the residential lots within the land area.** Additionally, the plan should include limitations imposed on water usage for each lot and for the development as a whole sufficient to demonstrate that usage in the development does not exceed one acre-foot of annual withdrawal for each full 35 acres in within the development. For example, a cluster development with seven lots on 150 acres contains four full 35-acre parcels. Therefore, four acre-feet annually is available to the lots in the development and split evenly among the seven lots, four acre-feet allows for 0.57 acre-feet annually per lot.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

DIVISION OF WATER RESOURCES

Checklist for County Submittals
Updated September 14, 2011
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Section B – Subdivision

This section applies to any division of land considered by the County to be a subdivision, as defined by §30-28-136(h)(l), C.R.S.

- A plat map of the proposed subdivision with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS) – **Please include as Exhibit A to submittal, and flag as such.**
- Water Supply Information Summary, Form No. GWS-76 (incomplete forms may be returned to the County for additional information and may subject the submittal to further processing time) – **Please include as Exhibit B to submittal, and flag as such.**

*Please thoroughly complete Form No. GWS-76. It should be noted that for Item 9, Estimated Water Requirements, standard water use rates used by this office, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot (97,755 gallons) per year for each ordinary household, 0.05 acre-foot (16,293 gallons) per year for four large domestic animals, and 0.05 acre-foot (16,293 gallons) per year for each 1,000 square feet of lawn and garden irrigation. Any incomplete GWS-76 may be returned to the county, which may subject the evaluation to further processing time. Particular attention should be paid to Item 10, Water Supply Source, to ensure a proposed source of water is included for **each parcel of land** involved in the subdivision. If the water supply source is a municipality or quasi-municipality, the applicant **must** provide a letter of commitment which references the subdivision name and the level of commitment in terms uses to be served and quantity of water to be supplied.*

- Evidence of physical adequacy (please select only one below) – **Please include as Exhibit C to submittal, and flag as such.**

- Source is a municipality or quasi-municipality

A report is required to document the following:

- A summary of water rights owned and controlled by the municipality
- The anticipated yield of said rights in both an average and dry year
- The present demand on the municipality, and the anticipated demand due to commitments for service entered into the municipality that are not yet supplied
- The amount of uncommitted firm supply the municipality has available for future commitment and development
- A map of the municipality's service area

Please note the SEO maintains files for various municipalities and therefore, this information may not be necessary. However, the SEO may request updated information from the municipality/applicant if the information on file has not been updated within 3 calendar years, or when the commitments reach a total that is approximately 90% of the firm yield.

- Source is wells

- Information to show the pumping rate(s) of well(s) will be enough to meet said demands and uses

DIVISION OF WATER RESOURCES

Checklist for County Submittals
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Section C – Subdivision Exemption

This section applies to any land division exempted by the County from the statutory subdivision process identified in §30-28-133, C.R.S.

A plat map of the proposed parcels with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS).

Proposed Residential Parcels Created by Exemption: Total number of parcels to be created: ____
Are any of the proposed parcels are intended to be used for drinking and sanitary facilities inside an individual commercial business ____ Yes ____ No

Proposed Parcel One: Lot name/number: _____ Size of Parcel: _____

Proposed Uses : Residential Only Commercial or Commercial and Residential

Proposed number of residences: ____ or number of existing residences to remain on created parcel: ____

Proposed size of home lawn/garden: ____ square feet

Proposed non-commercial livestock watering: Yes No

Source of water uses listed above:

Municipality: Name of Entity: _____ or

Existing permitted well, Permit Number: _____ or

Unregistered Well: Yes No or

Proposed well to be constructed: Yes No

Surface Spring, Court Adjudication Number and Spring Name _____

Other _____

Waste Water Method:

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

Proposed Parcel Two: Lot name/number: _____ Size of Parcel: _____

Proposed Uses : Residential Only Commercial or Commercial and Residential

Proposed number of residences: ____ or number of existing residences to remain on created parcel: ____

Proposed size of home lawn/garden: ____ square feet

Proposed non-commercial livestock watering: Yes No

(Note: outside watering may not be available outside of Designated or Denver Basin, or in any over appropriated basin.)

Source of water uses listed above:

Municipality: Name of Entity: _____ or

Existing permitted well, Permit Number: _____ or

Unregistered Well: Yes No or

Proposed well to be constructed: Yes No

Other _____

Waste Water Method:

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

Additional parcels: copy this information and submit in similar format and attach.

If commercial use is requested for any of the parcels utilizing wells, the appropriate Commercial Drinking and Sanitary Well Worksheet, as selected, must also be completed and submitted with this form.

For parcels outside of Designated Basin described on **Attachment D** use Form Number GWS-57

Commercial Drinking and Sanitary Well Worksheet. For Parcels located in the Designated Basins of

Colorado use Form Number GWS-61 Commercial Small Capacity Well Water Use Breakdown Worksheet.

Forms available at: www.water.state.co.us

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Section D – Special Use, Zoning, and Other Land Use Actions

This section applies to special use, zoning, and any other land use action submittals that do not involve a division of land unless the parcel is included in Section C.

- A map of proposed improvements with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS)

Existing Parcel Information

Legal description: _____ Size of existing parcel: _____ Acre\Square feet (circle)

Proposed Uses: Residential Only Commercial or Commercial and Residential

What are the current uses of water on this parcel?

Each item must be answered, if not applicable, mark as NA

Number of existing homes: _____ – If one or more, date this use was established: _____

Home lawn/garden irrigation: Yes No

If yes, amount: _____ Acre/square feet (circle)

Date this use was established: _____

Livestock watering: Yes No – If yes, date this use was established: _____

What will be the proposed use of water for this parcel?

Number of proposed homes (Including the home above if it will remain) _____

Lawn/Garden watering, amount: _____ Acre/square feet (circle)

Livestock watering: Yes No

Number of employees per day _____ days open per year _____

Number of Customer per day _____ days open per year _____

Bed / Breakfast Customers per day _____ days open per year _____

Other water needs described: _____

Source of water for the uses described above: (If more than one source is utilized for parcel, describe)

_____ :
 Is Municipal water available to parcel: Yes No Are the uses described above proposed to be provided by a municipality? Yes No ;

Name of Provider _____

Is Water Hauled: Yes No

Existing permitted well – If so, permit number: _____

Substitute Water Supply Plan, (name) _____

Unregistered well

Surface Spring, Court Adjudication Number and Spring Name _____

Waste Water Method:

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to : _____