



April 23, 2024

Huerfano County - Land Use
401 Main St.
Walsenburg, Colorado 81089

RE: Land Use Permit 24-008_Malachite Campground_Mace

Dear Sir/Madam,

This letter is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The submittal indicates the above-proposed Land Use Permit on behalf of Amos Mace in seeking approval for a proposed commercial operation, summarily described, when complete to include:

- *A 10-space RV-campground ... equipped with electric and water hookups*
- *10-12 primitive tent sites with no hookups to be used for tent and van camping.*
- *Separate structure(s) for bathrooms, showers, and a common kitchen area for guests.*
- *A Bulk Water Dispensing Station for public use*
- *A seasonal, live-on-site manager who will occupy a 1,200 square-foot dwelling*

Said proposed project to be located upon Tract B-1 of *Lot Line Rearrangement of Tracts B and C of Boundary Survey of Tracts A-G Survey 17-S-293, 17-S-523*, within the Official Records of Huerfano County, Colorado. Said approximately 38.27± acre parcel is owned by Amos Mace and located primarily within the SE1/4 of Section 31, Township 26 South, Range 70 West of the Sixth P.M., Fremont County, State of Colorado, also known as 8055 County Road 570, Gardner, CO 81212, and being further designated as Huerfano County Parcel ID 29097.

History:

According to our records, the Colorado Division of Water Resources shows the following administered features upon the aforementioned parcel:

- A groundwater well, permitted under State Engineer's Office Permit No. 153904.
 - This permit does not confer a decreed water right
 - The use of ground water from this well is limited to fire protection, ordinary household purposes inside three (3) single-family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.
 - **This permit does not allow for any commercial uses**
- Pond WDID 7903312, Malachite Lower Pond
 - Subject to Water Court Case 05CW0102



- Pond WDID 7903313, Malachite Upper Pond
 - Subject to Water Court Case 04CW0127

Compliance:

This action involves an expanded or changed use of ground or surface water, requiring further action by applicant(s) to fully secure a legal source of groundwater able to serve a proposed commercial operation. Therefore, the DWR recommends disapproval of this application, based solely on a lack of a legal source of water, only until remedied. Evidence of remedy shall include:

- A groundwater permit authorizing commercial uses issued by the Colorado Division of Water Resources, received to the CDWR Division 2 Office, by email at dnr_div2ground.water@state.co.us in pdf format, AND
- Documentation that said commercial-use permit, once issued, has been included and able to operate within Huerfano County Water Conservancy District's Regional Augmentation Plan, operating under Case No. 13CW3062, received to the CDWR Division 2 Office, by email at dnr_div2ground.water@state.co.us in pdf format.

Upon receipt and review of evidentiary items, the CDWR Division 2 Office shall issue a revision to this letter towards Huerfano County Planning and Zoning.

Please reach out with questions or concerns by email to dnr_div2ground.water@state.co.us.

Sincerely,

Ivan G. Valles

Digitally signed by Ivan G.
Valles
Date: 2024.04.23 13:35:00
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Ivan Valles
Data Analyst - GIS Specialist, CDWR Division 2

ec: Christine Sednek, P.E., Water Resources Engineer
Jeff Montoya - South Lead Water Commissioner, Division 2
Lenna Rauber - District 79 Water Commissioner, Division 2
Dan DiRezza - Groundwater Enforcement Lead, Division 2
Russ Dash - District 79 Groundwater Commissioner, Division 2
Monica Long - Research Scientist - Lead GIS Specialist, Division 2