

# Franktown Citizens' Coalition II

## Community Meeting, January 23, 2020, 6PM

### Information Review:

- What is “Independence”? A Planned Unit Development (PUD) of 1012 acres / 920 houses, near Hilltop road and Elbert County Road 5.
- 3 Documents: (previously attached to announcement email and on SaveFranktown.com)
  - 2006 application for water rights in all 5 aquifers, asked for all uses in all aquifers
  - 2006CW59 Water Decree
    - rights to water in all 5 aquifers, total decree 1557 ac ft,
    - 75 ac ft from Upper Dawson with limited uses to in-house and irrigation.
  - November 2019 Application for Amendment to 2006 water decree.
- Key language in the decree and proposed amendment:
  - 2006CW59 Water decree: page 4, section 10 C
    - “...will use the Upper Dawson aquifer water for in-house and irrigation use on the Subject property.” (for 75 ac ft )
  - Application for amendment, page 2, section 5
    - “...requests that the decreed uses be amended to include in-house, irrigation, domestic, municipal, industrial, commercial, stock watering, fire protection, and exchange and augmentation purposes, both on and off the Subject property. No other provisions of the original decree will be changed.”
- Potential impacts (every new straw in the aquifer has impact)
  - Allows Upper Dawson water for expanded uses where typically used for residential uses. Example:
    - Residential well runs 30 to 45 min per day @ 10 gal/min
    - 75 ac ft commercial well runs constant ~ 46 gal/ min
  - Surrounding adjacent sections to the property have ~200 residential wells. A well field study is needed to understand impacts of Upper Dawson pumping rates on these wells.
  - Many older Upper Dawson wells were not drilled to the bottom of the aquifer and may be vulnerable to aquifer level changes.

- The Lower Dawson saturation thickness is 1/3 of the Upper Dawson on this property. (50ft vs 180 thick) Lower Dawson well owners may become Upper Dawson dependent in case of well failure.
- Creates more dependency on county government to protect residents' water.
  - If the amendment approved by the State water court, the Elbert Board of county commissioners can change their restrictions thru notice and public hearings.
  - If the amendment is approved and allowed, then there becomes a financial incentive to move water away from overlying landowners.
- Next steps in the process
  - Statement of Opposition due in hands of Water Court by 1/31/2020 (Cost \$192, completed form, servicing process.)
    - Anyone can file an objection. Only adjudicated rights can file for injury.
    - Corporations (Franktown Citizens Coalition II), must have an attorney for trial
    - Statement of Opposition gets you a "seat at the table" with the Water Court Referee and participation in a future mediation process.
- Process steps after filing a Statement of Opposition
  - Process steps in mediation with the Water Court's water referee
- Alternative actions possible by the community to participate in the process
- Petition of support
- Donations