



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

March 11, 2026

Danny Klibaner

Elbert County Planning Department

Transmission via email: danny.klibaner@elbertcounty-co.gov

Re: Freedom Valley Ranch Rezone and Preliminary & Final Plat (2nd Letter)
Case Numbers: RZ-2025-0008 & FP-2025-0005
Applicants: Aspen Visionary Development LLC & Visionary Development Companies LLC
Part of the E ½ of Sec. 25, Twp. 6S, Rng. 64W, 6th P.M., Elbert County
Water Division 1, Water District 1
Kiowa Bijou Designated Basin
CDWR Assigned Referral No. 34489

Dear Danny Klibaner,

We have received your February 12, 2026 proposal to rezone from Agriculture “A” to Residential Agriculture-1 “RA” and subdivide approximately 200.28 +/- acres of land located on five parcels in the E ½ of Sec. 25, Twp. 6S, Rng. 64W, 6th P.M., Elbert County into twenty lots, each approximately 10 acres in size.

Our office previously provided comments on the proposal in a letter dated December 5, 2025. The comments outlined in this letter supersede those previously provided.

Water Supply Demand



According to the Water Supply Information Summary Sheet, the water supply demands for the subdivision are household use (20 units - 8 acre-feet/year), irrigation (4.5 acres - 11.12 acre-feet/year) and the watering of large domestic animals (80 - 0.88 acre-feet/year) for a total demand of 1 acre-foot/year/lot. The total water supply demand for the subdivision will be 20 acre-feet/year.

Source of Water Supply

A review of our records show Determination of Water Right Nos. 3278-BD (Laramie-Fox Hills aquifer), 3279-BD (Arapahoe aquifer), and 3280-BD (Denver aquifer) were issued by the Ground Water Commission on April 27, 2016 for 319.6 acres of overlying land in the E ½ of Sec. 25, Twp. 6S, Rng. 64W, 6th P.M., of which this 200.28 acres is a part.

The proposed water supply for the subdivision is individual small capacity on-lot wells producing from the not nontributary 4% Denver aquifer under Determination of Water Right No. 3280-BD. A water deed showing the Applicant's (Visionary Development Company LLC) ownership of a portion of the not nontributary 4% Denver aquifer allocated under Determination of Water Right No. 3280-BD was provided in the referral documents. According to the Water Supply Summary dated August 14, 2025 previously submitted by Mr. Eric Trout at Mountain Trout Legal, the Applicant estimates their ownership share in the amount of 79.66 acre-feet per year for a 100 year aquifer life, and 26.55 acre-feet per year for a 300 year aquifer life of not nontributary 4% Denver aquifer groundwater allocated in Determination of Water Right No. 3280-BD.

Determination of Water Right no. 3280-BD was approved pursuant to section 37-90-107(7) and the Findings and Order of the Ground Water Commission dated April 27, 2016. The Determination allocated 12,600 acre-feet of not nontributary 4% Denver aquifer groundwater underlying 319.6 acres in the E ½ of Sec. 25, Twp. 6S, Rng. 64W,

6th P.M., for domestic, including inhouse use, irrigation, commercial, industrial, fire protection, stockwatering, and replacement purposes to Dot X O Meg, LLC. The allowed average annual withdrawal amount under the Determination is 126 acre-feet per year, and the allowable place of use is the overlying 319.6 acres of land subject to the determination. According to Determination of Water Right No. 3280-BD, the 12,600 acre-feet of Denver aquifer groundwater allocated beneath the 319.6 acres of overlying land is available on a 39.4 acre-feet per acre basis. A total amount of 3,200 acre-feet of Denver aquifer groundwater was not allocated under the Determination, and remains an inchoate right attached to the overlying 319.6 acres on a 10.0 acre-feet per acre basis. The subdivision lies within the allowed place of use for Determination 3280-BD.

A review of our records shows well permit no. 334129 was issued on the subject property to Visionary Development LLC. On March 6, 2026, well permit no. 334129 was cancelled upon request from the Applicant prior to the well being constructed.

Small capacity wells will not be available in a new subdivision, therefore new large capacity well permits would be required to be obtained for the proposed lots pursuant to the Determination of Water Right No. 3280-BD.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this **allocation** approach, the annual amounts of water determined in 3280-BD are equal to one percent of the total amount, as determined by Rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *Elbert County Subdivision Regulations - Amendment #4*, effective July 27, 2020, Article XI.F.1 states:

“In order to assure a long term water supply, and given the concern with dependence on bedrock groundwater, and the difficulty in supplying future sources outside the urbanized areas, the following additional criteria apply to all proposed subdivisions. The Applicant shall present a water supply plan that provided for a 300-year aquifer lifespan when aquifer groundwater is the proposed water source, ...”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will provide a water supply. However, treating Elbert County’s requirement as an **allocation** approach based on three hundred years, the allowed average annual amount of withdrawal of 79.66 acre-feet/year would be reduced to one third of that amount, or 26.55 acre-feet/year, which is greater than the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

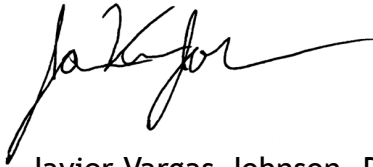
The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

The Applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in [Designated Basin Rule 5.11](#), the structure may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

Please contact Mike Matz at 303-866-3581 x8241 or at michael.matz@state.co.us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Vargas-Johnson', with a long horizontal flourish extending to the right.

Javier Vargas-Johnson, P.E.

Chief of Water Supply

Ec: Well permit no. 334129



ELBERT COUNTY

Community & Development Services

2nd Referral Period

Referral Date: February
12, 2026

Comments Due: February 26, 2026

Project Name: Freedom
Valley Ranch Rezone and
Final Plat

Case Number: RZ-2025-0008 & FP-2025-
0005

Case Manager: Kelsey Lanham, CDS Land Use Planner

Site Address: Parcel No. 64251-00-020, 64251-00-022, 64254-00-003, and
64254-00-004

Proposal Summary: Request to Rezone 200 acres (five, forty-acre parcels)
from Agriculture (A) to Residential Agriculture (RA) and subdivide into twenty,
ten-acre lots for a Final Plat. The applicant is running the Preliminary Plat and
Final Plat concurrently.

Dear Referral Department/Agency/Organization,

*Elbert County CDS staff appreciate your help in reviewing the above referenced project. A link to all the submitted application materials has been provided to you via email. Please review all necessary materials and provide comments on this proposal. If your department/agency/organization has no comments on this proposal, a simple email to the case manager stating “no comments” is much appreciated. **CDS staff are happy to set up a phone call or meeting to discuss any major concerns.** Written comments from your department/agency/organization will be provided to the applicants. Please be as specific and thorough as possible.*

Please note, per Colorado Revised Statutes 30-28-136(2), failure to respond will be considered as your department/agency/organization’s approval of the proposal.

Thank you for your continued support in reviewing and commenting on proposed development in Elbert County.

Sincerely,

Kelsey Lanham



ELBERT COUNTY

Community & Development Services

2nd Referral Comments

Project Name: Freedom Valley Ranch Rezone and Final Plat

Case Number: RZ-2025-0008 & FP-2025-0005

**PLEASE NOTE: Future submittals will be sent to all agencies unless otherwise specified in the comment box below:*

REFERRAL AGENCY COMMENTS:

The Building Department has no objection or issue with the Freedom Ranch Rezone and Final Plat.

Any structure over 200sqft must obtain a permit through the Building Department. (All information is available at the Elbert County Building Department.)

Each building with bathrooms will need Septic and Driveway permits prior to applying for their building permit

Each structure with electricity will require a permit through the State of Colorado's DORA division

All permits must be pulled for modifications or improvements to a property regardless of if the structure is a new building or an existing building. All buildings must comply with the currently adopted building codes and all amendments to adopted code. Any permit approved must also have a review completed by the local fire department.

The Building Department does not need to receive additional referrals.

Date: 2/12/26

Agency/Organization/Department: Building Department

Reviewer Name: James (J.R.) Trout



ELBERT COUNTY

Community & Development Services

2nd Referral Comments

Project Name: Freedom Valley Ranch Rezone and Final Plat

Case Number: RZ-2025-0008 & FP-2025-0005

COMMENTS:

Rezone Exhibit:

- A revised Rezone Exhibit was not submitted with the application's 2nd submittal. Below comments are based off the Rezone Exhibit dated September 2025 that was included in the original submittal.
- Case No. RZ-2025-0008 needs to be added to the top right corner of each sheet.
- Vicinity Map needs to be to scale on sheet 1
- Remove "Adjoiner Table" from sheet 1. Rather, show the adjoining property owner information on sheet 2 on the actual property they own.
- The name of the Rezone Exhibit is incorrect. Revise to "Freedom Valley Ranch Rezone Exhibit"
- Correct all signature blocks to say, "This Rezone Exhibit" rather than "This Preliminary Plat"
- Remove Note 7 on sheet 1. These parcels are not zoned PUD.
- Note 2 references the Plat, not the Rezone
- Add Owner information; first/last name, company name, address, phone number
- Add Representative information; first/last name, company name, address, phone number
- The Notary block has the County pre-filled with "Douglas". Either remove the County or ensure that the Notary will be in Douglas County.

Final Plat:

- Vicinity Map needs to be to scale on sheet 1
- Case No. FP-2025-0005 needs to be added to the to right corner of each sheet.
- Highly recommend adding Open Space to the plan. This can be done by implementing easements around lots. This could satisfy Open Requirements, otherwise cash-in-lieu will have to be evaluated.
- The Notary block has the County pre-filled with "Elbert". Either remove the County or ensure that the Notary will be in Elbert County.

CDS is waiting on comments from the Colorado Division of Water Resources.

Date: February 26, 2026

Agency/Organization/Department: Elbert County CDS

Reviewer Name: Kelsey Lanham, Land Use Planner



ELBERT COUNTY

Community & Development Services

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Please note, per Colorado Revised Statutes 30-28-136(2), failure to respond will be considered as your department/agency/organization’s approval of the proposal.

Thank you for your continued support in reviewing and commenting on proposed development in Elbert County.

Sincerely,

Kelsey Lanham



ELBERT COUNTY

Community & Development Services

2nd Referral Comments

Project Name: Freedom Valley Ranch Rezone and Final Plat

Case Number: RZ-2025-0008 & FP-2025-0005

**PLEASE NOTE: Future submittals will be sent to all agencies unless otherwise specified in the comment box below:*

REFERRAL AGENCY COMMENTS:

Winner circle was designed and built as a type 1 local road under the original sub-division plan. A type 1 local gravel road is designed to carry 200 vehicle trips per day. With the additional sub-division of the original lots, it is public works opinion that trip count will exceed the roads' ability to be maintained as a type 1 local gravel road. This has been a concern since the original sub-division was approved. Winner's circle is a private road that is to be maintained by the developer and at the developers cost through an HOA or metro district. That being the case and public works has no jurisdiction or responsibility for private roads, then public works has no futher comments on this proposal.

Date: 3-3-26

Agency/Organization/Department: public works

Reviewer Name: Jay Walp



Date: 03-02-2026

To: Kelsey Lanham

From: Dave Fisher, Undersheriff

Subject: **Freedom Valley Ranch Rezone and Final Plat – Referral Letter**

The Sheriff's Office has no issues with this submittal.

Dave Fisher, Undersheriff

Elbert County Sheriff's Office

751 Ute Avenue

Kiowa, CO 80117

303-805-6107 direct

303-621-2027 main

www.elbertcountysheriff.com

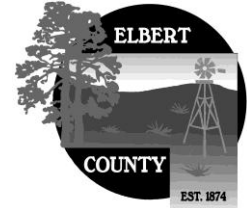




COUNTY OF ELBERT

Sheryl L. Hewlett

TREASURER/PUBLIC TRUSTEE
P.O. BOX 67
440 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3120
treasurer@elbertcounty-co.gov



February 12, 2026

RE:

Project Name: Freedom Valley Ranch Rezone and Final Plat

Project No:

Address:

Description:

To Whom It May Concern,

The Elbert County Treasurer/Public Trustee has no issue with the above referenced project at this time.

Sincerely,

Sheryl L. Hewlett

Sheryl L. Hewlett
Elbert County Treasurer/Public Trustee
(303) 621-3118

COMMUNITY & DEVELOPMENT SERVICES

PO BOX 7
215 KIOWA STREET
KIOWA, COLORADO 80117
E: CDS@ELBERTCOUNTY-CO.GOV
P: 303.621.3136



Freedom Valley Rezone and Preliminary/Final Plat SECOND REFRRAL REPORT

Date: March 16, 2025

CDS Review Staff: Danny Klibaner, AICP

Project Name: Freedom Valley Ranch Rezone and Preliminary & Final Plat

Project Numbers: RZ-2025-0008 & FP-2025-0005

Applicant Name: Katherine Goodman, Visionary Development Company, LLC

Property Owner: Aspen Visionary Development Company, LLC

Parcel Numbers: 6425100020, 6425100022, 6425400001, 6425400003, 6425400004
(County Rd 174 and Winner's Circle)

Project Summary: A rezone for five, 40-acre parcels (200 acres) from Agriculture (A) to (RA) Residential Agriculture and a subdivision of the 200-acres into 20 lots that are approximately 10 acres each.

Referral Summary

This application proposal was sent on its second referral from February 12, 2026, to February 26, 2026. The following is a summary of Elbert County Community and Development Services' (CDS), other Elbert County agencies', and Colorado state agencies' reviews and responses that have been received to date.

Referral Agencies

Elbert County CDS / Planning – Kelsey Lanham, Land Use Planner

--See 2nd referral comment letter that summarized the necessary exhibit revisions

--New exhibits were received on March 12, 2026

Elbert County Building Department – JR Trout, james.trout@elbertcounty-co.gov

--The Building Department has no objection or issue with the Freedom Ranch Rezone and Final Plat.

--Any structure over 200sqft must obtain a permit through the Building Department. (All information is available at the Elbert County Building Department.)

--Each building with bathrooms will need Septic and Driveway permits prior to applying for their building permit

--Each structure with electricity will require a permit through the State of Colorado's DORA division

--All permits must be pulled for modifications or improvements to a property regardless of if the structure is a new building or an existing building. All buildings must comply with the currently adopted building codes and all amendments to adopted code. Any permit approved must also have a review completed by the local fire department.

--The Building Department does not need to receive additional referrals.

Colorado Geological Survey – Jill Carlson, (303) 384-2643, carlson@mines.edu

--Applicant's response to 11/24/2025 CGS review comment: "Future DESC Plans for building sites will provide ideal building locations and future property owners will be subject to following DESC approvals/procedures dictated by the building department"

--"This satisfactorily addresses CGS's comment regarding setbacks from drainages."

Colorado Division of Water Resources – Mike Matz - DNR, michael.matz@state.co.us

--"Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

--See attached letter dated March 11, 2026

CORE – Brooks Kaufman, BKaufman@core.coop

--CORE Electric Cooperative conditionally approves the plat. CORE will require one minor item to be addressed to call out the 15' UE on the plat along county road 174.

--CORE Electric Cooperative approves the rezone RZ-2025-0008

Rattlesnake Fire Protection District – Cass Kilduff, 303-841-8111

cass.kilduff@rsfpd.org

--"The fire district has no objections to the proposed rezone.

--As of note for the owners to pass on to potential buyers, the district residential impact fee will be \$5475.00 per residential home at the time they apply for building permit.

--Any driveway over 150' will require a 100' OD turn around at residence for apparatus.

--The district builder guidelines can be provided to future lot owners upon request or on our website."

Elbert County Public Works, Road and Bridge – Jay Walp, jay.walp@elbertcounty-co.gov

--"Winner's circle was designed and built as a type 1 local road under the original sub-division plan. A type 1 local gravel road is designed to carry 200 vehicle trips per day. With the additional sub-division of the original lots, it is public works opinion that trip count will exceed the roads' ability to be maintained as a type 1 local gravel road. This has been a concern since the original sub-division was approved. Winner's circle is a private road that is to be maintained by the developer and at the developers cost through an HOA or metro district. That being the case and public works has no jurisdiction or responsibility for private roads, then public works has no further comments on this proposal."

Elbert County Treasurer – Sherry Hewlett, sherry.hewlett@elbertcounty-co.gov

--"The Elbert County Treasurer/Public Trustee has no issue with the above referenced project at this time."

Elbert County Sherrif's Office – Dave Fisher

--"The Sheriff's Office has no issues with this submittal."

Next Steps

Review this summary and attached comments and complete all requested revisions.

Please submit all documents to your case manager(s) at the same time. You may contact individual reviewers with any questions or concerns, as appropriate. An additional referral period of two (2) weeks is required by code for referral responses to be completed and collated for your review.



ELBERT COUNTY

Community & Development Services

2nd Referral Period

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Dear Referral Department/Agency/Organization,

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Please note, per Colorado Revised Statutes 30-28-136(2), failure to respond will be considered as your department/agency/organization’s approval of the proposal.

Thank you for your continued support in reviewing and commenting on proposed development in Elbert County.

Sincerely,

Kelsey Lanham



ELBERT COUNTY

Community & Development Services

2nd Referral Comments

Project Name: Freedom Valley Ranch Rezone and Final Plat

Case Number: RZ-2025-0008 & FP-2025-0005

**PLEASE NOTE: Future submittals will be sent to all agencies unless otherwise specified in the comment box below:*

REFERRAL AGENCY COMMENTS:

Public Works has reviewed this referral and has the following comments:

The project has changed several times since it was originally submitted, the number of lots have changed from originally 8 lots to now 25 as shown in the latest plat by SMA dated February of 2026. The five parcels of land are considered part of the subdivision and those parcels may also subdivide, creating an overall subdivision of more than 25 lots

This increased lots changes the designation from a minor subdivision to a major subdivision. The information on hand does not reflect the new designation and therefore new submittals will be required for review. Please provide updated reports on the following items:

- A new traffic evaluation will be required to address the traffic counts for the twenty (20) lots plus additional lots withing the five (5) parcels if they are or will be subdivided.
- Winners Circle and Winners way cul-de-sac should be upgraded to the current Elbert County Construction Standards and Specifications found on County website. This may include but not limited to none-recycled concrete surfaces such as Class 6 gravel or paving. The recycled gravel surface was approved when the subdivision was going to be 8 parcels and prior to the updated County Construction Specifications.

Date: 4/2/26

Agency/Organization/Department:

Reviewer Name: Dale Guillen

Kelsey Lanham

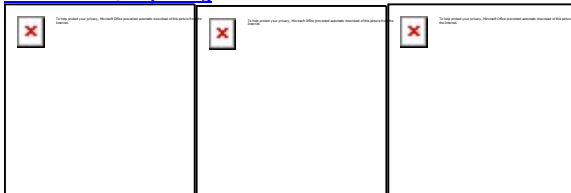
From: Cass Kilduff <cass.kilduff@rsfpd.org>
Sent: Friday, February 13, 2026 12:06 PM
To: Kelsey Lanham
Subject: [External] Re: Referral Request - Freedom Valley Ranch Rezone and Final Plat - RZ-2025-0008 & FP-2025-0005

The fire district has no objections to the proposed rezone. As of note for the owners to pass on to potential buyers, the district residential impact fee will be \$5475.00 per residential home at the time they apply for building permit. Any driveway over 150' will require a 100' OD turn around at residence for apparatus. The district builder guidelines can be provided to future lot owners upon request or on our website. Thanks!

Thanks,

Cass Kilduff
Fire Chief
Rattlesnake Fire Protection District

Office: [303-841-8111](tel:303-841-8111) Dept Cell: [720-371-0818](tel:720-371-0818)
cass.kilduff@rsfpd.org



On Thu, Feb 12, 2026 at 4:02 PM Kelsey Lanham <Kelsey.Lanham@elbertcounty-co.gov> wrote:

Hi all –

This is the 2nd referral period for the Freedom Valley Ranch Rezone and Final Plat.

In the below link you find two folders: “Referral Information” and “Application Materials”. [Elbert County CDS Department will now be using SharePoint to manage all referral comments for land use applications.](#)

1. Application Materials for the project can be found in the “Application Materials” folder.