



COLORADO
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

December 16, 2016

Jill Falchi
Park County Planning
Transmission via email: jfalchi@parkco.us

Re: Smart Innovative Solutions, LLC - Retail Marijuana Establishment
NW¼ NW¼ Section 33, T12S, R71W, 6th P.M.
39475 Highway 24, Lake George, CO
Water Division 1, Water District 23

Dear Ms. Falchi:

We have reviewed the above referenced application for a retail marijuana establishment license for Smart Innovative Solutions, LLC. The type of license sought is for retail marijuana cultivation. The submitted material does not appear to qualify as a “subdivision” as defined in § 30-28-101(10)(a), C.R.S. 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 will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The applicant proposes to operate a retail marijuana cultivation facility on a parcel of approximately 3 acres located one mile east of the town of Lake George. The cultivation would be located in a new 2-story building with approximately 8,400 square feet of total space. A 1,400-square-foot vegetation room and 1,400-square-foot flower room will be located on the first floor with a 1,700-square-foot vegetation room and 1,700-square-foot flower room located on the second floor. Water requirements for plant cultivation were estimated at 1,000 gallons per day.

Water is proposed to be provided by an existing commercial well constructed under permit no. 243710 that provides water to the commercial development. Well permit no. 243710 limits the use of the well to drinking and sanitary purposes in an individual commercial business and cannot be used to supply water for cultivation. Smart Innovative Solutions LLC intends to apply for a court-approved augmentation plan in partnership with the property owner to allow the use of this well for cultivation. The Applicant should also be aware that there is an existing blanket augmentation plan in the area that may be able to augment pumping from the well for proposed use rather than pursuing an independent augmentation plan. That blanket augmentation plan is operated by the Headwaters Authority of the South Platte (HASP). Should they be unable to obtain a court-approved augmentation plan for the well, they intend to purchase water from Florissant Public Water Supply, so long as the Public Water Supply approves the use of the water for marijuana cultivation. In that event, to ensure that water from the well is not used for cultivation purposes, the well must not be



connected to the water supply for the greenhouses/cultivation area. Water used for cultivation will be metered/measured separately from facility utilities such as sanitation and drinking water.

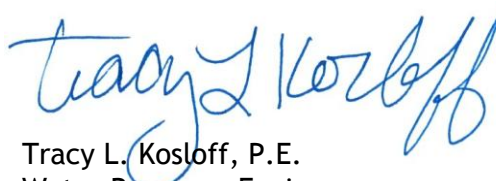
We do not object to either the use of a properly permitted well or water hauling as the source of water for irrigation/cultivation purposes so long as the water supplier obtains water from a legal source. We recommend that the applicant contact Garver Brown, Water Commissioner, District 23 (Garver.Brown@state.co.us, 719-836-2557) to review the selected water hauler and to discuss any questions related to wells. We request that the County require the following as conditions of permit approval:

- The existing well must be physically disconnected from the greenhouses/cultivation area unless a well permit is issued that allows for such use.
- Applicant must maintain receipts for water hauling.
- Applicant must maintain accounting in a format approved by the water commissioner of water hauled amounts and provide that report as well as receipts upon request from the water commissioner or division engineer.

The ability of this office to issue a permit for the well to serve the retail cultivation business will be determined at the time a well permit application is submitted to this office and subsequent to the inclusion of the well in a decreed plan for augmentation or approved substitute water supply plan.

Feel free to contact myself or Sarah Brucker of this office if you have any questions in this matter. Thank you.

Sincerely,



Tracy L. Kosloff, P.E.
Water Resource Engineer

cc: Garver Brown, Water Commissioner, District 23 (Garver.Brown@state.co.us)
Well permit file no. 243710



From: [Fred Wegener](#)
To: [Jill Falchi](#)
Subject: RE: Referral Request for Retail Marijuana Cultivation Facility for Smart Innovative Solutions, LLC
Date: Tuesday, December 06, 2016 11:29:47 AM

The Sheriff's Office doesn't support any new marijuana grows.

From: Jill Falchi
Sent: Tuesday, December 06, 2016 10:03 AM
To: Sheila Cross; Tom Eisenman; Lee Phillips; Debra Green; Fred Wegener; (mark.lamb@state.co.us); Brown - DNR, Garver; Kosloff - DNR, Tracy; Dave Wissel; Pam Jacobus (pamandmyron@centurylink.net); John Pinder; lgfpd@pcisys.net; williamsd@co.teller.co.us
Subject: Referral Request for Retail Marijuana Cultivation Facility for Smart Innovative Solutions, LLC

Hi everyone,

Please find the attached retail marijuana cultivation license application for Smart Innovative Solutions LLC. Please review and submit your comments regarding this application to Planning staff by December 20th. Should you have any additional questions regarding this application, please contact the Planning Department.

Thanks

Jill Falchi
Planning Technician
PH: 719.836.4293
Park County Colorado
Open Monday –Thursday 7am-6pm

From: Brown - DNR, Garver
To: [Denis Kilgore](#)
Cc: [Jill Falchi](#); [Kerri Kilgore](#); [Joey Wydeven](#); srvegan@gmail.com
Subject: Re: Well Permit # 243710
Date: Wednesday, December 07, 2016 10:56:26 AM
Attachments: [79322_CastleTract3.pdf](#)

Dear Mr. Kilgore,

Thanks for providing additional information regarding water supply in the Castle Commercial Minor Subdivision. A new well permit specifying additional uses on your lot will be necessary if the existing well (permit #243710) is to potentially be used as a source of water for your proposed operation. Permit #243710 lists under Conditions of Approval, Item #4, "The use of ground water from this well is limited to drinking and sanitary facilities as described in CRS 37-92-602(1)(c) for a commercial business (Sour Dough Sams Restaurant). Water from this well shall not be used for landscape irrigation or for any other purpose outside the business building structure."

In my opinion, it may be *physically* possible to use this well (#243710) for the proposed operation. However, as I mentioned, a new well permit for the proposed and existing uses must be obtained. In order to do so, participation in a court approved plan of augmentation will be necessary. Furthermore, if any new wells are to be drilled within the Castle Commercial Tracts Minor Subdivision, participation in a court approved augmentation plan will be necessary in order to obtain a well permit(s). With respect to your claim that you have a "legal document demonstrating a contractual arrangement for shared water", It should be noted that the owner of "Tract 3", located in between the subject property, "Tract 4", and the location of well permit #243710, has joined the HASP augmentation plan and drilled a well on Tract 3 (permit #79322, attached for your reference) for exclusive use on that property. So, maybe you have a contract entitling you to some sort of shared water system, but it does appear that at least one other property in the subdivision, Tract 3, has opted to provide it's own water source independent of the other tracts. In any case, *whether you choose to connect to an existing well, or seek to drill a new well on Tract 4*, the proper well permits **must** be obtained before commencing any work. Provided that this is the case, I have no objections to using a well as a water source for some or all of the uses associated with the proposed operation. Another option would be to haul or obtain deliveries from a legal water provider who is able to furnish you with receipts for all loads/deliveries to be provided to the District 23 water commissioner upon request.

Hopefully this clears up any existing confusion. Please feel free to contact me by phone or email if you have further concerns.

Best Regards,

Garver Brown
Water Commissioner
Division 1, District 23



P 719.836.2557 | F 719.836.1509

PO Box 1949, Fairplay, CO 80440

garver.brown@state.co.us | [Division of Water Resources](#) | [Colorado Stream Flows](#)

On Wed, Dec 7, 2016 at 9:07 AM, Denis Kilgore <denis_kilgore@yahoo.com> wrote:

Good Morning Mr. Garver Brown,

Jill Falchi, for Park County forwarded to me your concern regarding well permit # 243710 and it NOT providing water for the property located at 39475 Hwy 24: Before purchasing the property we wanted to make sure we could access water, I have attached the "Castle Commercial Tracts" "A Minor-Subdivision". This document was provided to us as a legal document demonstrating a contractual arrangement for shared water. Please see "Notes:" "D" and "E" on the plat. The overall plat includes four properties and our property, 39475 Hwy 24 is "Tract 4" of these properties.

Will you please have a look at this document and determine if it meets your requirements. If there is some reason it does not will you please provide us any additional information that we will need to proceed?

Thank you,

Denis Kilgore – Owner

P.S, I have copied Jill and the other owners of this property so we will all be on the same page, thank you.

Phone: [719 357-3473](tel:7193573473)

Email: denis_kilgore@SmartInnovativeSolutionsLLC.com

Smart Innovative Solutions, LLC

39475 Highway 24, Lake George, Colorado 80827

Website: www.SmartInnovativeSolutionsLLC.com

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From: Jill Falchi [mailto:JFalchi@parkco.us]

Sent: Tuesday, December 6, 2016 12:51 PM

To: Denis Kilgore <denis_kilgore@yahoo.com>

Subject: FW: Referral Request for Retail Marijuana Cultivation Facility for Smart Innovative Solutions, LLC

Hi

I highly recommend getting this sorted out ASAP.

Jill

From: Brown - DNR, Garver [mailto:garver.brown@state.co.us]

Sent: Tuesday, December 06, 2016 12:46 PM

To: Jill Falchi

Subject: Re: Referral Request for Retail Marijuana Cultivation Facility for Smart Innovative Solutions, LLC

Thanks Jill,

I do see that a permit # (243710) was provided in the application - my mistake.

However, permit #243710 (attached) appears to be for the now defunct Sourdough Sam's Restaurant on an adjacent property. This permit does not provide for use on applicant's property at 39475 Hwy 24 (Park County Schedule # 46063). It is also my understanding that

the subject property is located in a minor subdivision, Castle Commercial Minor Sub. As such, ANY well permit that is issued to this property must be augmented through a court approved augmentation plan. DWR records do not show any constructed wells on the subject property.

Also, thanks for the updated spreadsheet!

Garver Brown

Water Commissioner

Division 1, District 23

[Redacted]

P [719.836.2557](tel:719.836.2557) | F [719.836.1509](tel:719.836.1509)

PO Box 1949, Fairplay, CO 80440

garver.brown@state.co.us | [Division of Water Resources](#) | [Colorado Stream Flows](#)

On Tue, Dec 6, 2016 at 11:46 AM, Jill Falchi <JFalchi@parkco.us> wrote:

I've attached the well permit, that was my mistake.

I will let them know that Florissant's Water San is not a viable water source.

Thanks for you quick response!

From: Brown - DNR, Garver [mailto:garver.brown@state.co.us]

Sent: Tuesday, December 06, 2016 11:41 AM

To: Jill Falchi

Subject: Re: Referral Request for Retail Marijuana Cultivation Facility for Smart Innovative Solutions, LLC

Jill,

Several comments:

Applicants mention that they have access to a commercial well but no permit # is provided. Any commercial exempt well permit issued for this parcel could only provide limited drinking and sanitary uses for this business. If the applicant wants to use a well for irrigation (or any other uses not specifically allowed by a commercial exempt permit), participation in a court approved augmentation plan will be necessary.

The Florissant Water and Sanitation District's pay water hauling station is not currently a legal source for obtaining water. Florissant's augmentation plan does not allow for the sale of water via any type of dispensing station. The applicant should provide a legal source of hauled water if such a source is to be utilized in this operation. Also, the provider of the hauled-in water must be able to furnish receipts for each purchase of water that can be verified by the District 23 Water Commissioner.

Garver Brown

Water Commissioner

Division 1, District 23

[Redacted signature area]

P [719.836.2557](tel:719.836.2557) | F [719.836.1509](tel:719.836.1509)

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Jill Falchi

Planning Technician

PH: [719.836.4293](tel:719.836.4293)

Park County Colorado

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From: [Jill Falchi](#)
To: ["Brown - DNR, Garver"](#)
Cc: ["Denis Kilgore"](#)
Subject: RE: Referral Request for Retail Marijuana Cultivation Facility for Smart Innovative Solutions, LLC
Date: Tuesday, December 06, 2016 11:46:00 AM
Attachments: [Well Permit 243710.pdf](#)

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Jill Falchi

Planning Technician

PH: [719.336.4293](tel:719.336.4293)

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