



June 2, 2022

Ms. Kat Hammer
Arapahoe County Planning
6924 S. Lima St.
Centennial, CO 80112

Re: Case No. UASI21-003, Bronco Pipeline Company Gathering System Phase 1&2/USR with 1041 Permit

Dear Ms. Hammer,

This letter of objection is filed on behalf of Rangeview Metropolitan District ("Rangeview") regarding the application to Arapahoe County ("County") by Crestone Peak Resources Midstream LLC ("Applicant") for Major Amendment to the Bronco Pipeline Company Gathering System Phase 1 & 2 / by special review (USR) with 1041 Permit ("Proposed Project"). The primary purpose of the Proposed Project is to add "fresh water" line authorization to all of Applicant's existing and proposed easements within the County empowering the Applicant as a water provider in the County. Applicant has failed to provide any relevant information to demonstrate their legal means to source or import water into proposed water lines, has not adequately referred out the application to applicable stakeholders, and has failed to address relevant 1041 requirements pertaining to water providers as described below. Nor does the application contain a comprehensive written summary of the project intended uses or limitations of use of the water with adequate information for the County to determine the applicable 1041 Permit Requirements that must be satisfied.

The application does not satisfy the requirements of County 1041 Regulation III.C.4. Applicant is required to provide a list of all other federal, State and local permits and approvals that will be required for the Proposed Project and documentation prepared as part of those other federal, State and local permit reviews.

Applicant is seeking authorization from the County to become a water provider in the County and has not detailed what proposed uses it seeks to provide water, where it intends to provide water, what water sources it seeks to use in providing water, and whether such proposed water supplies are legally available for such uses. The Proposed Project provides no limits on use of these fresh water sources in the County and the water supply contained therein, nor has the Proposed Project been referred to any water provider in the County for comment and review. In Section 5 - Regional Water Quality Management Plan, the Applicant references "*There is no long-term water use planned for this amendment.*"; however, there is no discussion of what uses this water will be limited to, the duration such water will be used, the source of any water, whether the water is legally permitted for its intended use, or whether the proposed supply is

permitted for use in the County. Pursuant to 1041 Regulation III.C.4(c), the required water rights information to be submitted includes the “source, amount, the quality of such water, the applicant’s right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water. If an augmentation plan has been filed in court, the applicant must submit a copy of that plan.”

Applicant states in Section 4 - Property Rights, Permits and Other Approvals, that “*All state and federal permits for the project were obtain with the original application.*”; however, without any water rights or supply information there is no way the Applicant can state whether any proposed water is legally permitted for its intended use in Arapahoe County or whether additional state and federal permits must be obtained. Depending on the proposed duration of use of the water supply, Applicant may need to obtain a Water Court decree, or a substitute water supply plan approved by the State Engineer to allow the water supply to be legally put to Applicant’s proposed uses. That process requires the Applicant to present a detailed plan for how and where it proposes to use the water, and whether the water is proposed to be used by a third party. Contracts with third party end users must be in place to support the requested type and place of use.

Because the Proposed Project has no description of the proposed uses of the water Applicant may infer any approvals by the County would include unlimited uses include domestic use of the piped water, whereby Applicant would be required to identify the relevant provisions of the applicable regional water quality management plan, as required by County 1041 Regulation III.C.5.

Applicant states in Section 7 - Land Use, “*Any width expansion of existing pipeline easements will not have any impact to the proposed land use or impact on land use patterns, as changing the content and width of the easement does not preclude land development*”; however, it is noted that Phase 2 of the pipeline follows along the Hayseamount Road alignment which contains several Master Planned Communities in Aurora and the County. These Communities are currently under construction and there was no referral to such Master Planned Community Developments to conclude whether any width expansion would impact their existing land uses. Further in Section 10 - Local Economy, Applicant states, “*The primary land use for the areas adjacent to the pipeline easements is livestock grazing and dry-land farming*”; however, the Applicant fails to mention the existence of these Master Planned Communities which have not been included in this referral and whether Applicant’s activities would impact their land uses.

Applicant states in Section 12 Environmental Impact Analysis, “*Surface Water Quality will not be impacted by this amendment.*”, “*Groundwater Quality and Quantity will not be impacted by this amendment.*”, and “*Wetlands and Riparian Areas will not be impacted by this amendment.*”; however, none of these statements can be asserted without information regarding the Applicant’s source of water supply, the duration of that authorization, whether water will be both diverted and delivered into pipelines in Arapahoe County, and whether such water is legally available for the intended use at the intended place of use in Arapahoe County. Additionally, Applicant has not clarified whether it proposes to provide piped water for service in areas that are already served by other providers.

Applicant's Proposed Project seeks approval from the County to become a water provider in the County without providing any details of a service area, limits on what uses Applicant seeks as a County water provider, any details on sources of water, potential conflicts with other County water providers, nor has Applicant provided requisite information as a water provider under 1041 requirements.

Applicant has failed to provide adequate information to determine whether the Proposed Project is a "Major Water & Sewer Project", for which additional 1041 requirements and criteria apply.

Applicant has failed to explain whether the Proposed Project meets the County's definition of a "Water Supply System". If the Proposed Project is a Water Supply System, Applicant has failed to provide the water right decrees, pending water right applications, intergovernmental agreements, water supply contracts and other evidence of the ultimate use of the water that is required in order for the County to determine whether the Proposed Project is a domestic water supply system.

As a water provider, Applicant is subject to regulatory jurisdiction by other agencies. Applicant has not provided the required referral packets with adequate information so that referral agencies can adequately review the Proposed Project.

To the extent the Applicant's water will be put to domestic use now or at any time in the future, the Applicant's Proposed Project will be subject to regulation by the Colorado Public Utilities Commission ("PUC"). If Applicant's Proposed Project is subject to PUC Oversight, Applicant must apply for and receive a Certificate of Public Convenience and Necessity ("CPCN") to operate in Colorado and Applicant may be subject to rate approval and other facilities regulation by the PUC.

To the extent the Applicant's water will be piped for human consumption now or at any time in the future as described in the Federal Safe Drinking Water Act ("Act"), Applicant's Proposed Project must comply with the regulations of the Colorado Department of Public Health and Environment and the Act.

Because the application does in fact seek Applicant to become a water provider in the County and will be subject to regulations of these other agencies, the County should deny this application until Applicant provides information as to type and location of uses, the specific water to be placed in the system, and the legal availability for the type and location of use to referral agencies impacted by a new water provider in the County.

Rangeview respectfully requests the County deny the application until Applicant has detailed its intention to become a water provider in the County and amends their 1041 application to include all relevant information required by water providers. Additionally, Rangeview requests that this application be sent for referral to appropriate agencies including requesting the Division of Water Resources review of any and all proposed water supplies intended for use by Applicant within the County to confirm such water supplies are legally

available for their permitted use and that the water supplies are allowed for use within the County.

Sincerely,
RANGEVIEW METROPOLITAN DISTRICT

A handwritten signature in black ink, appearing to read 'Mark Harding', is written over a horizontal line.

Mark Harding, President

