

## PRESIDENT'S CORNER

by John Highhouse

We have many new residents and new homes being added to our neighborhood. Welcome to all the newcomers to our community! If you have any questions or concerns, please do not hesitate to contact Pat in the office or use the "contact us" email located on the King's Deer web site. The web site also contains many important documents, forms and community information that you may find useful.

Many of our long time residents are aware that the topic of water is always a hot topic for the Board and for residents of our community. Water rights, usage, reporting and augmentation are of great importance and consideration. While it may seem to be a simple matter of pumping water from the ground through our individual wells, the complex water laws of Colorado legally obligate the HOA and each individual owner to the performance of certain actions. The HOA acts for the owners to accomplish many of these tasks. However, the homeowner must do some tasks such as keeping the water draw under the maximum allowed by the state, and reporting annual water usage to the HOA. As discussed at the Annual Meeting, the Board of Directors has commissioned a Water Augmentation Study to be completed by a professional water-engineering firm. The purpose of the study is to provide us guidance on how to best meet our legal obligation of future water augmentation requirements.

We also still have the Palmer Divide Water Company proposing to sell additional rights to some King's Deer owners. The initial scale of the plan has been downsized by the PDWC in order to help speed the approval process. See Allen Alchian's article which begins below, for a full update on this important initiative.

Please take a moment to look at the King's Deer HOA Reference block on the last page of this newsletter. It includes a listing of events and dates that are important to King's Deer members, such as the deadline when the annual lot mowing is to be completed and the schedule for this year's community garage sale. These dates will also appear on the home page of the King's Deer web site as those dates approach. 🐾

## Water Sales Update by Allen Alchian

At the November Annual Membership Meeting I reported that Palmer Divide Water Company (PDWC) had abandoned their plans to sell additional water rights to most property owners in King's Deer. We have subsequently learned that apparently the plans to sell those water rights has not been abandoned...just postponed.

Before the water rights can be bought and used by you, PDWC must obtain a decree from the Colorado Water Court that states how much water

*Continued on page 4 — WATER*

## Master Gardening In King's Deer

8 AM, Saturday, March 9, Monument Hill Country Club  
18945 Pebble Beach Way; Monument

Master Gardener Kim Jones returns this year to offer advice and recommendations for enhancing landscaping in King's Deer. Whether you have an established landscape or are just beginning, this is a perfect opportunity to learn how to overcome the unique gardening challenges in King's Deer, atop the Palmer Divide.

Kim presents information such as soil augmentation, effects of the arid climate and thin air, offers suggestions for selecting vegetation that is well suited for our area, and answers specific questions from the audience.

This program coincides with the Saturday, March 9 monthly King's Deer men's breakfast. The event is open *exclusively* to King's Deer residents—both men and women. The only cost is \$13 per person to cover the expense of the breakfast buffet.

The breakfast begins at 8 AM and immediately following the breakfast, around 9 AM, Kim will begin her presentation which lasts about 90 minutes. She will have handouts to cover some of the topics she plans to discuss.

This is a unique opportunity to learn best gardening practices for King's Deer while also meeting many of your neighbors. Participation in the breakfast is not required to attend the presentation, but *reservations for the presentation are required*. To make reservations contact Dennis Delhousay: email [ddelhousay@comcast.net](mailto:ddelhousay@comcast.net), or by phone 719-659-7244, not later than Friday, March 1.

The King's Deer men's breakfast is a monthly no-host event open to all King's Deer residents. It is normally on the second Saturday of each month. The men's breakfast is usually held at the King's Deer golf course club house except in winter months when it moves to the Woodmoor Country Club. The breakfast provides a casual atmosphere to meet new neighbors and to catch up on activities and local news of interest to the King's Deer community. For information about the monthly breakfast and to receive monthly reminders of the event, contact Dennis. 🐾

## Common Area Maintenance by Penny Dyer

Of course, during the winter there is very little to do except think about and plan what will be done in the spring and summer. We have been following a 5 year plan in an effort to stay within budget and accomplish all that needs to be done over time. This summer's focus will be the rebuilding of sections of the trail system. It was on our agenda for last summer but since the weather was so dry I took advantage of almost no repairs, saving the money to be spent in 2013. We will begin evaluating the trails a little closer to spring. Hope to see you out there. 🐾

## North El Paso County Coalition of Community Organizations (NEPCO)

King's Deer is one of about 30 property-owner communities that compose NEPCO. As such, any King's Deer owner may attend the bimonthly meetings held at the Monument Town Hall and the off month NEPCO Board of Directors meetings.

Last November our county commissioner, Darryl Glenn, presented El Paso County plans and budget. The January meeting addressed recent changes in the law requiring documentation by HOAs and also HOA insurance factors. Our HOA is in good shape for both documentation and insurance, but the presentation did point out the importance of our sustaining strong business practices and insurance coverage. As always, the minutes of the meetings are posted and available on NEPCO's web site: [www.NEPCO.org](http://www.NEPCO.org).

NEPCO is forming a Transportation Committee to provide additional focus and input to the county on transportation. Volunteers will be solicited to serve on this committee as it stands up. This is an opportunity for a King's Deer owner to address transportation in a forum with some influence. If interested in serving, please advise Pat at the HOA office. (488-2840)

All bi-monthly member meetings are held in the Monument Town Hall starting at 10 AM. The remaining 2013 planned program is:

March 9: Andre Bracken on PPRTA (Regional Transportation)

May 11: An expert to speak on xeriscaping

July 13: Attorney Lenard Rieth on HOA Legal Issues


September 14: Speaker from the El Paso County Sheriff's Office

November 9: Commissioner Darryl Glenn on County Issues 

## 2013 Seedling Tree Program

Once again the Colorado State Forest Service is offering its annual "Trees for Conservation Program." The program is designed to encourage landowners to plant effective wind barriers to protect buildings, help prevent erosion, enhance wildlife habitat, and promote reforestation by making the seedling trees available at a nominal cost. All King's Deer members are eligible to participate in this reforestation program.

The seedling trees are sold in lots of 25, 30, or 50 seedlings depending on the species. "Survival accessories" are also available for purchase. Orders for the seedling trees must be placed by March 31, 2013.

For more information on planting and care of the seedlings, visit the Colorado State Forest Service, Woodland Park District website. A link directly to their Trees for Conservation Program web page is available on the home page of the King's Deer website, [kingsdeer.org](http://kingsdeer.org). 

## The ACC And Owner Accountability

*By Rich Paul*

Historically, this article has begun by giving a brief overview of numbers for new construction projects, landscaping submissions, snow fencing and a running total of the current active projects that the HOA is monitoring.

However, in light of recent events that have taken place since the last newsletter, the HOA would be remiss if the cause of these exceptions were not addressed and King's Deer Owners made aware of the issues.

During the last 4 months at least 3 King's Deer Owners have been cited for failure to faithfully construct new projects as they were submitted and approved. It can not be stressed strongly enough that what is submitted by an Owner or the Owners Representative, agreed to by both the Owner and the HOA, and approved for construction by the HOA, must be what is built. Failure to do so places the Owner's compliance fee in jeopardy and/or exposes the Owner to potential additional legal action.


King's Deer Owners need to be aware that the Owner is ultimately responsible for what is built and not the builder (unless the builder also happens to be the Owner). If you (as a King's Deer Owner) contract a builder to do the work on a project that has been approved by the HOA, it is incumbent upon you as the Owner to stay involved and monitor the project to ensure your builder is faithfully building what you contracted them to build and what was approved by the HOA.

Additionally, the HOA highly recommends that as the Owner, you should visit the construction site as much as possible to ensure that the site is staying clean and the construction area and construction traffic is being contained in the designated building envelope. Failure to do so can and will result in fines being levied for these violations.

Finally, an Owner should not assume that the builder is faithfully submitting change orders and getting them approved by the HOA before the changes are incorporated into the project. You can avoid unnecessary heartache with a simple follow-up call to the HOA to ensure your contractor has followed the change order requirement process.

Please be aware that all of the above is part and parcel of the agreement you made with the HOA when you submitted your plans and had them approved.

On other matters, snow fence approvals are for 5-years. This allows you time to determine precisely where you want to plant your permanent living snow fence and have it established before the approval period expires.

A final note: if you are planning any landscaping which will involve the construction of walls, driveways, arbors, fences, playground equipment (including trampolines) patios, or any type of playing court (i.e. basketball, tennis, racquetball, etc.) you must receive approval from the HOA **prior** to these structures being installed. Doing so will save you time, heartache, and possibly money. 

## Sheriff's Office Citizens' Academy

The El Paso County Sheriff's Office is now accepting applications for its first Citizens' Academy in 2013.

The Citizens' Academy will begin on Tuesday, March 26, 2013, and will be held on Tuesday evenings from 6 to 10 PM. The Academy will be conducted over an eight week period, culminating in a graduation on Tuesday, May 14.

The Academy will offer participants a broad overview and unique insight into the various functions of the Sheriff's Office. Participants will be involved in a ride-along with deputies to observe firsthand the variety of calls handled by the Sheriff's Office. A tour of the Criminal Justice Center will be conducted to demonstrate the challenges facing our detention staff. Topics of discussion will include the intricacies of a criminal investigation as detectives take the students through the investigative process. Additionally, participants will learn about use of force, vice and narcotics operations, and emergency services, which includes our Wildland Fire and Search & Rescue teams.

The Citizens' Academy also serves as a prerequisite for those who are interested in participating in the Sheriff's Citizen Patrol (SCP) volunteer program. Citizen Academy attendees interested in this program would be required to complete the SCP Academy for an additional four weeks.

Those who are at least 18 years of age and interested in attending the Citizens' Academy can download and print an application from the Sheriff's Office website at [shr.elpasoco.com](http://shr.elpasoco.com) or may contact the Volunteer Program Coordinator, Ms. Cathryn Richards at 719-520-7216, to request an application. There is no charge to attend the Citizens' Academy; however, seating will be limited to the first 40 completed applications received. Applications must be returned no later than 5 PM, March 1, 2013. 🐾

## King's Deer Community Areas

**Quiz:** What areas in King's Deer are open to the public?

If you guessed the common areas, you're wrong. They are only open to King's Deer members and their guests. In fact, the only area open to the public are the roads through King's Deer. Everything else is private property.

King's Deer trails and common areas are owned by the homeowners association and thus open only to King's Deer HOA members and their guests. This includes the sports field and playground at the end of Sixpenny Lane, and the pond which is accessible only by trail from Archers Drive and from Trumpeters Court.

Golf course property, including the golf cart paths are only open to golfers playing the course.

Recently the homeowners association received complaints about people walking, riding bicycles, and driving ATVs across private property. With the wide-open spaces we enjoy in King's Deer, it is easy to conclude some areas are not included within the property boundaries of a

## Rodent Poisons Deplete King's Deer Wildlife

by Al Walter

As a volunteer with the Division of Parks and Wildlife involved in animal rescue and transport, I see first-hand the effects that the indiscriminate and irresponsible use of rodent poisons and pesticides have on our local wildlife. Poison used to kill mice, voles, gophers, moles and other rodents and unwanted "critters" easily makes its way into the food chain of local wildlife. For example, a gopher killed with poisoned bait and not properly disposed of in the trash or buried, can be eaten by a fox or raptor, such as a hawk or horned owl. The poison in the gopher is ingested by the fox or raptor and it too, is killed.

When we moved to King's Deer, we were blessed with having a fox den in our yard and every spring a number of "kits" would play in the front yard. The school bus would always stop to let the kids watch the baby foxes play and neighbors would stop to take pictures. Not anymore. In the last two years we found two adult foxes and at least two kits dead. According to Wildlife Officers, based on the symptoms, the most likely cause was ingesting rodents that were killed by poison.

Each year we have seen less foxes and hawks, and I have not seen the horned owl in many months. The disappearance of all these animals can't be blamed entirely on the indiscriminate use of poisons. However, the remains of some animals have shown indications of death by poisoning.

The slogan of the Division of Parks and Wildlife is, "Keep Colorado Wild." If we are not good stewards of local wildlife, especially when it comes to responsible use of poisons and pesticides, we will not have any wildlife to enjoy. That would be sad! 🐾

nearby home. But they are. These also include the open spaces under the high voltage power lines that cross northern King's Deer; this is an easement for the utility company and its openness is an inviting pathway to individuals. Yet it is all on private property that belongs to the adjacent homeowners.

Bikes and pedestrians should stay on the trails, the streets, or common areas. A map of the King's Deer trails and common areas is available at [kingsdeer.org](http://kingsdeer.org); select Library, then Maps.

Any motorized vehicle, no matter how small, if not licensed for public roads, it may not be operated on the roads in King's Deer and its use is limited to driveways on private property. Operation of these vehicles off the driveway is prohibited by the covenants except when in direct support of maintenance, such as mowing or plowing.

Please respect the privacy of other's property when out and about in King's Deer. 🐾

**WATER** *continued from page 1*

you are allowed to draw from the well each year, and how you may use the water. The decree will also describe the required action by each well owner to ensure that the use of the additional water will not harm others who have senior rights to the aquifer water. The decree is called a "water augmentation plan."

Every King's Deer property has a current water augmentation plan that applies to the use of the well on the property. There are two different water augmentation plans that apply to various King's Deer properties. If your property is in the King's Deer Subdivision (aka "Classic") filings 1 through 4, or in filing 5 lots 1 through 7, you are subject to the 93 Water Augmentation Plan. All other properties are subject to the 94 Water Augmentation Plan. (If you want to read these very exciting legal documents, they are available for download from the King's Deer web site, under Library > Governance Documents.) If you are unsure which applies to your property send an email to [water@kingsdeer.org](mailto:water@kingsdeer.org) and include your address in the email; I'll reply identifying the augmentation plan that applies to your property.

To over-simplify the situation involved in the pending sale of water rights, Palmer Divide Water Company originally attempted to obtain court approval of a single water augmentation plan to support their water sale throughout King's Deer. However, for reasons only a water lawyer could comprehend, trying to get one court decree to apply to properties under two existing decrees was complicated and costly. Therefore, in 2012 PDWC withdrew their proposed single water augmentation plan from the court and they are now proceeding to obtain a court decree to approve a water augmentation plan that supports the sale of water to only those King's Deer properties that are under the existing 93 Water Augmentation Plan. This approach appears more promising. Once it is completed and PDWC is able to sell some water rights to those property owners, we understand they will then attempt the same approach for the other properties in King's Deer.

Although this two-step approach is slower overall, it is expected to simplify the legal process and reduce legal costs. This will hopefully speed up the date when at least some of King's Deer owners will be able to buy additional water rights from Palmer Divide Water Company.

We have not received word from PDWC when they expect to start selling additional water rights. From the progress we've seen to this date, we believe that at least some owners could potentially be buying water by the end of 2013. However, the entire process has been incredibly slow thus far, so it would not come as a surprise if a year from now we are still just talking about a possible sale and not actually seeing it happen. We'll keep you informed of changes to the schedule and status as we learn of them. 🐾

**Neighborhood Watch**

*Tom Haddan, Community Coordinator*

I am pleased to be your Community Coordinator for Neighborhood Watch this year. Most of us have had some contact with Neighborhood Watch at some time or another, even if it was just seeing signs posted in a neighborhood.

Here in King's Deer we are provided law enforcement from the El Paso County Sheriff's Office. They have a very large county and not nearly enough deputies to provide a "presence" in any neighborhood other than in passing through on occasion. In order to improve our deterrent values, Neighborhood Watch tries to be vigilant to detect crimes in progress or soon after in order to alert our neighbors to whatever dangers may be present. Just knowing that there are neighbors alert to unusual activities is enough to cause some criminals to select other, less vigilant neighborhoods. We also alert neighbors to potentially dangerous situations in the Community such as roaming wildlife, like a mountain lion a couple of years ago, to fires, etc., as well as safety tips and crime data from the El Paso County Sheriff's office.

In the past year our largest act of vandalism to the community was the cutting down of many trees in multiple yards back in August. Some of these trees had been growing in King's Deer for over 12 years. The Sheriff's Office has this as an open and on-going investigation since the value of these trees was substantial. Unfortunately, no one has been charged with these crimes as of yet.

My number one goal for 2013 for the Neighborhood Watch is to fill some or all of the 14 Block Captain vacancies that currently exist. There are some areas of the community that lack any coverage and others that have substantial gaps in their coverage. What this means to the community is that neighbors living in those blocks are not receiving notices provided by other Block Captains or the El Paso County Sheriff, et.al. regarding potential problems or threats to their wellbeing or safety. The position of Block Captain is not a time consuming or difficult job. If you have internet access and a computer, or just a smart phone, you can help your community by becoming a Block Captain. You do not have to be home during the day to perform this service. I choose to not list all of the 14 vacancies in this article for security reasons, but if you have an interest, please contact me at: [tomhaddan@prodigy.net](mailto:tomhaddan@prodigy.net) or 559-1699 and I will be glad to discuss it with you. 🐾



## Call For HOA Volunteers

The 2012 election is finally over—that's the HOA Board of Directors election, of course. In a suspense-filled contest, John Highhouse and Allen Alchian won...both running unopposed. In fact, they were the only candidates running for *four* board vacancies; now that's a tough contest to lose! Because of the obvious outcome, only enough ballots were examined to establish that each of these two candidates received at least one vote. Then, the ballots were sealed in a container and packed away. They will be retained for one year, as required by state law. Anyone with too much free time on their hands may count the ballots.

At the first Board meeting following the Annual Membership Meeting in November, the directors assigned duties amongst themselves. The results are: John Highhouse—president; Vern Kuykendall—vice president; Allen Alchian—secretary; Penny Dyer—assistant treasurer and common areas; Rich Paul—Architectural Control Committee.

As in the past several years, the position of treasurer is filled by King's Deer resident Charlotte Christensen who is a CPA; the bylaws allow for this specialized position to be filled by someone other than a director and Charlotte has done an outstanding job of providing professional accounting and financial guidance to the Board. She generously offered to continue in this role another year, and was quickly approved by the Board before she could reconsider.

The Board has two vacant director positions as a result of insufficient candidates for the 2012 election. As a result, the Board may fill these vacancies by appointment, as provided in the bylaws.

The Board is accomplishing the duties of the association with these vacancies by doubling up on some of the

workload, but some help would be appreciated. The Board meets once a month for about two hours. Each director is assigned a role to fill which requires some time and work outside the Board meeting. Directors are also expected to communicate with the community by writing articles for this newsletter to keep the membership informed of what is happening. So, the obligation of a director is more than just attending a meeting once a month.

Anyone interested in filling a director position is encouraged to attend some board meetings in advance of applying so they become familiar with the business of the association. Alternatively they could volunteer to serve on a standing committee of the association before seeking appointment to a vacant director position. There are two standing committees: Architectural Control Committee and the Covenant Enforcement Oversight Committee. The ACC meets twice a month; the CEOC meets once a month. All the meetings are open to the members of the association. The meeting minutes are posted on the King's Deer website.

The Board directors are willing to interpret the lack of volunteers for the two vacant Board positions as implying the membership is satisfied with their performance rather than suggesting apathy among the membership. However, an infusion of new HOA members onto the Board helps bring new ideas and fresh perspective to the direction of the HOA. So, if you have some time you can contribute to your community, consider becoming involved in your homeowners association, either as a committee member or as a director. This is our community, operated by us, for our benefit. Then maybe for the 2013 director election in the fall, we can field at least three candidates for the three vacancies to be filled...maybe. —Allen Alchian



October 25, 2012

### Colorado Springs Utilities

*It's how we're all connected*

Dear Community Partner:

On behalf of Colorado Springs Utilities, we'd like to extend a heartfelt **Thank You** for your enduring patience and wonderful cooperation while we installed new transmission line structures and equipment throughout your area. The project is complete!

Your consideration and hospitality enabled our crews to move quickly and work efficiently to improve the 115 kilovolt transmission line that runs through much of the King's Deer Neighborhood. This was one of our Electric Reliability Compliance Program (ERCP) projects designed to address and comply with the National Electric Reliability Corporation's (NERC) standards for electric reliability.

Thank you again for all of your help, and if you have any questions, please don't hesitate to contact us.

Jackie Brusoe, P.E.

Senior Project Engineer—Transmission  
Colorado Springs Utilities  
719-668-4995  
jbrusoe@csu.org

Gail Connors

Issues Manager  
Colorado Springs Utilities  
719-668-8012  
gconnors@csu.org



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February 2013

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## King's Deer HOA Reference

### Important Dates in King's Deer HOA

Snow Fences Come Down: Tuesday, April 30  
 Mandatory Lot Mowing Deadline: Sunday, June 30  
 KD Community Garage Sale: Sat-Sun, August 10-11  
 Report Water Meter Reading: October 1-31  
 Annual Membership Meeting: Tuesday, Nov. 5

### Office Closure

Monday, February 18 (Presidents Day)  
 Monday, May 27 (Memorial Day)  
 Thursday, July 4 (Independence Day)  
 (See website Calendar page for updates)

Office phone: 719 488-2840

Office fax: 719 488-2949

Office email: [admin@kingsdeer.org](mailto:admin@kingsdeer.org)

### Office mailing address:

King's Deer HOA  
 PO Box 3143  
 Monument, CO 80132

**Office location** (*Do not send mail to this address.*)  
 AEV Building; 707 County Line Road; Palmer Lake  
 Website: [www.kingsdeer.org](http://www.kingsdeer.org)

## Flag Retirement Ceremony

The Tri-Lakes American Legion Post 9-11 in Palmer Lake is accepting worn US flags for proper disposal. Drop off your American flag at the Post Home in the Depot Restaurant at Palmer Lake. The Post will conduct a proper retirement and disposal ceremony on Flag Day, June 14 for all collected flags. This is a free service.

