



July 31, 2023

Ryan Howser, Project Manager
El Paso County Community & Development Services
Transmitted via email: ryanhowser@elpasoco.com

Re: Falcon Field Residential and Commercial Preliminary Plan (Major) -3rd Letter
File #: SP232
Part of the N ½ of Sec. 7, Twp. 13 South, Rng. 64 West, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Ryan Howser:

We have received your submittal concerning the above-referenced proposal for the subdivision of approximately 57.67 acres into 169 single family residential lots and 8 regional commercial lots. This letter supersedes the letter dated April 20, 2023 from this office.

Water Supply Demand

According to the Water Supply Information Summary, the total estimated water requirement for the 169 single family residential lots and 8 regional commercial lots is 79.14 acre-feet per year for a 300 year water supply.

Source of Water Supply

The Woodmen Hills Metropolitan District (“District”) is the proposed water supplier. The District has provided a letter dated March 14, 2023 committing to serve the subdivision with a water commitment of 79.14 acre-feet per year.

Information available in our office from 2021 indicates the District’s water supply totals approximately 1,426.5 acre-feet/year for a period of 300 years (or 987.5 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer)¹, and it has approximately 1,211 acre-feet/year committed to supplying subdivisions and replacement obligations. On average, the District uses 846 acre-feet per year. The uncommitted annual water supply of 215.5 acre-feet/year is more than the estimated annual demand of 79.14 acre-feet/year for Falcon Fields Subdivision.

The District’s source of water for this subdivision is primarily bedrock aquifers 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

¹ These amounts do not include the water from determination of water right nos. 503-BD, 504-BD, and 505-BD since the place of use of these water rights does not include land located in the District’s service area and a deed showing the district owns these water rights was not provided. These amounts also do not include the water from determination of water right nos. 1312-BD, 1313-BD, and 1314-BD since a deed showing the district owns these water rights was not provided.



physically and economically viable source of water. According to 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 allocated under the District’s determinations of water rights 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 El Paso County Land Development Code, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount, which is **greater** than the annual demand of 79.14 acre-feet for this development. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

A review of our records shows well permit no. 1924 may be located on the subject property. However, according to an email dated March 24, 2021, this well does not appear to be located on the subject property. If the well is encountered during development, the Applicant has agreed to plug and abandon the well.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II)], C.R.S., it is our opinion that the proposed water supply is **adequate** and can be provided **without causing injury** to existing 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 100 years (or 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

According to the Water Resources Report by RESPEC dated March 2023 (“Report”), the District claims water associated with Determination of Water Right nos. 503-BD, 504-BD and 505-BD. According to those determinations, the place of use of the water is limited to the 54.9 acres of overlying land further described in the determinations. Such water should be removed from the available water supplies until such time as the place of use of the water is changed to allow use within the District. The District should also provide information showing the water rights associated with Determination of Water Right nos. 503-BD, 504-BD, 505-BD, 1312-BD, 1313-BD and 1314-BD were transferred to the District. This office also requests an up to date GIS data of its boundaries.

Please contact Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us with questions.

Sincerely,

 for
Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Referral No. 27538
District File
Upper Black Squirrel Ground Water Management District