



February 21, 2024

Ashlyn Mathy, Project Manager  
El Paso County Development Services Department  
Transmitted via EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Falcon Self Storage and U-Haul Minor Subdivision**  
**File #: MS232**  
Part of the NW ¼ SW ¼ of Sec. 1, Twp. 13 South, Rng. 65 West, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Basin  
CDWR Assigned Referral No. 31194 - 2<sup>nd</sup> Letter

Dear Ashlyn Mathy:

We have reviewed the re-referral for a one lot minor subdivision to legalize a 5-acre parcel. The lot is used as an RV storage lot. The proposed water supply is service provided by the Woodmen Hills Metropolitan District.

### Water Supply Demand

The proposed water use is irrigation. The specific water demand for irrigation was not clear since conflicting Water Supply Information Summaries were provided. However, one of the summaries and the Water Resources Report dated January 2024 (“Report”) state that the estimated water demand is 35,343 gallons (0.1085 acre-foot) of water per year for irrigation.

### Source of Water Supply

The proposed water supply is service provided by the Woodmen Hills Metropolitan District (“District”). A letter dated January 22, 2024 from the District committed to providing 35,343 gallons (0.1085 acre-foot) of water per year for irrigation purposes.

According to the Report, the District has a supply of 1,457.6 acre-feet/year based on a 300-year supply of both nonrenewable supplies from Denver Basin aquifers and renewable supplies. The District’s renewable supplies consist of 89 acre-feet/year of its Guthrie alluvial well rights and 350 acre-feet/year through a perpetual contract with the Cherokee Metropolitan District, which together provide for approximately 53% of the District’s demands. The District’s nonrenewable supplies consist of 1,018.62 acre-feet/year based on a 300-year aquifer life from allocations to the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers from various determinations of water rights and well permits. These amounts are not consistent with the SEO’s estimate of 1,586.5 acre-feet/year available to the District based on a 300-year aquifer life (439 acre-feet/year of renewable supplies and 1,147.5 acre-feet/year of nonrenewable supplies based on a 300-year aquifer life).

A portion of the proposed source of water for this subdivision is 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 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 the District’s allocations 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. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

As of 2022, the District’s estimated annual demand is 846.25 acre-feet/year. While this is not consistent with the SEO’s estimate of 1,187.4 acre-feet/year of current commitments, it appears that the District’s supplies based on a 300-year aquifer life exceed its commitments.

**State Engineer’s Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 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 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 to the District, according to the statutory allocation approach, is greater than the annual amount of water required to supply existing water commitments and the uses and demands of the proposed subdivision on the subdivided land.

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**

The submittal indicates that a stormwater detention structure is a part of this project. 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 [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer

Ec: Upper Black Squirrel Ground Water Management District  
Woodmen Hills Metropolitan District file