



COLORADO

Division of Water Resources

Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

November 8, 2018

Nina Ruiz
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Ellicott Town Center (Filing No. 1) Final Plat Extension Review
Sections 14 & 15, T14S, R63W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Ruiz:

We have reviewed your September 11, 2018 submittal concerning the above referenced proposal for the development of 64.21 acres into 98 single family lots, streets, and parks and open space.

Water Supply Demand

According to the submitted Ellicott Town Center -Filing No. 1 Water Resources Report & Wastewater Treatment Report ("Water Resources Report") dated August 24, 2018 the total estimated water requirement is 37.78 acre-feet/year.

Source of Water Supply

Ellicott Utilities Company, LLC ("Company") is the proposed water supplier. The Company has provided a letter dated June 28, 2018 committing to serve the 98 lots within the proposed Ellicott Town Center Filing No. 1 subdivision, at the estimated demand of 37.8 acre-feet per year, utilizing water rights from the Laramie-Fox Hills aquifer as determined in Determination of Water Right no. 598-BD. Determination of Water Right 598-BD allows for an average diversion of 161 acre-feet annually for a maximum of 100 years.

The Company's source of water is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a 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 determined in Determination of Water Right no. 598-BD 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which



the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 161 acre-feet/year would be reduced to one-third of that amount, or 53.7 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

According to the Water Resources Report, the Company currently serves the Viewpoint Estates and Antelope Park Ranchettes Subdivisions. There is no information provided in the submittal regarding the source and amounts of water used by the Company to serve these developments.

While the annual water supply of 53.7 acre-feet from Determination of Water Right no. 598-BD is more than the estimated annual demand of 37.78 acre-feet for Ellicott Town Center Filing No. 1, the total current water supply obligations of the Company, and its uncommitted supplies available for commitment to this subdivision, are unclear.

State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is not adequate and cannot be provided without causing injury to decreed water rights.

In order to obtain a favorable opinion from this office on the proposed water supply to the subdivision, the applicant must submit a report from the Company documenting the amount of water it has available for supply to the subdivision. The report should contain the following:

- i. A summary of the water rights owned and controlled by the Company, including documentation of ownership or control of those rights. The Company should provide a copy of the deed transferring ownership of the rights claimed, or a copy of the agreement with owner.
- ii. The area on which each of the rights may be used.
- iii. The present demand on the Company for each right, and the anticipated demand due to commitments for service entered into by the Company that are not yet supplied by each right.
- iv. The amount of uncommitted firm supply the Company has available for future commitment and development for each right.
- v. A map of the Company’s service area.

The above information should be provided in a manner that demonstrates that the Company has sufficient water resources to meet its commitments in terms of an overall water supply, considering annual and longer term availability. The report should address El Paso County’s 300 year water supply requirement.

If you, or the applicant, have any questions, please contact Neelha Mudigonda at 303-866-3581 ext. 8206.

Sincerely,



Keith Vander Horst
Chief of Water Supply, Basins

Cc: Division 2
EllicottTownCenter_Filing 1.docx
Project no. 24922