



## COLORADO

### Division of Water Resources

Department of Natural Resources  
Colorado Ground Water Commission

March 13, 2020

Nina Ruiz  
El Paso County Development Services Department  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

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

Dear Ms. Ruiz:

We have reviewed the additional information provided February 13, 2020 regard the above referenced proposal for the development of 64.21 acres into 98 single family lots, streets, and parks and open space. This office previously commented on the water supply plan in our letter dated November 8, 2018; this letter supersedes the previous November 8, 2018 letter.

#### Water Supply Demand

According to the submitted Ellicott Town Center Filing No. 1 & No. 2 Water Resources Report & Wastewater Treatment Report by JPS Engineering dated August 24, 2018 and revised March 27, 2019 ("Water Resources Report"), the total estimated water requirement for Filing No. 2 is 37.78 acre-feet per year.

#### Source of Water Supply

The proposed water supplier is the Ellicott Utilities Company, LLC ("Company"). 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 allocated 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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 has also committed to supply 2.78 acre-feet-year of water to the Ellicott Town Center Filing No. 2 from Determination of Water Right no. 598-BD.

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 and 2.78 acre-feet for Ellicott Town Center Filing No. 2 (40.56 acre-feet total).

According to the Water Resources Report the Company is also committed to supplying water to Antelope Park Ranchettes and Viewpoint Estates subdivisions. Water to those subdivisions is provided by contract with Cherokee Metropolitan District for 50 acre-feet of water annually.

#### 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 decreed 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 amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes 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(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.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Keith Vander Horst  
Chief of Water Supply, Designated Basins