



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

Office of the State Engineer  
1313 Sherman St, Suite 818  
Denver, CO 80203

December 1, 2015

El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910-3127  
Sent via email to: [DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

RE: Claremont Ranch Filing 9  
Preliminary Plan & Final Plat  
Sec. 4, Twp. 14S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 23714

To Whom It May Concern:

We have received revised information concerning the above-referenced proposal to subdivide a 23.54 +/- acre tract of land into six commercial lots and a tract of land for detention and water quality. This office previously provided comments for the above-referenced proposal dated November 13, 2015 and October 8, 2015; however, the comments provided herein shall supersede those previously provided. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

**Water Supply Demand**

The Water Supply Information Summary, Form No. GWS-76, and the revised Water Resource Report dated November 20, 2015 estimates a demand of 7.75 acre-feet/year for Phase I of the proposed development, which includes a King Soopers grocery store (2.98 acre-feet/year), nine dispenser fueling center (0.75 acre-feet/year), and Lot 6 (4.02 acre-feet/year). According to the submittal, the estimated water demand for Phase I of the proposed development was determined by Cherokee based on tap sizes provided by Kroger and the Developer. It should be noted that if the commercial water demand rate of 1,500 gallons/day/acre for retail space (as referenced from Colorado Springs Utilities' *Hydraulic Analysis Report Modeling Criteria* dated 1/11/2012) was utilized for the above, the estimated water demand for Phase I of the proposed development would be 9.71 acre-feet/year, which includes 4.74 acre-feet/year for the 2.82 acre King Soopers grocery store, 0.84 acre-feet/year for the 0.5 acre fueling center, and 4.13 acre-feet/year for the proposed 2.46 acre Lot 6.

The revised Water Resource Report dated November 20, 2015 estimates a demand of 4.46 acre-feet/year for Phase II of the proposed development, which includes Lot 2 (0.75 acre-feet/year), Lot 3 (1.48 acre-feet/year), Lot 4 (0.75 acre-feet/year), and Lot 5 (1.48 acre-feet/year). According to the submittal, the estimated water demand for Phase II of the proposed development was determined by Cherokee based on tap sizes provided the



Developer. It should be noted that if the commercial water demand rate of 3,900 gallons/day/acre for restaurant space (as referenced from Colorado Springs Utilities' *Hydraulic Analysis Report Modeling Criteria* dated 1/11/2012) was utilized for the above, the estimated water demand for Phase II of the proposed development would be 20.14 acre-feet/year, which includes 5.46 acre-feet/year for the proposed 1.25 acre Lot 2, 5.90 acre-feet/year for the proposed 1.35 acre Lot 3, 5.11 acre-feet/year for the proposed 1.17 acre Lot 4, and 3.67 acre-feet/year for the proposed 0.84 acre Lot 5.

### **Source of Water Supply**

The proposed source of water for Phase I is to be served by Cherokee and an August 28, 2015 letter of commitment from Cherokee was included with the submittal. According to the letter, Cherokee has committed to serve 7.75 acre-feet/year of the Kane Water Right to the proposed development and the 7.75 acre-feet/year is a portion of the 28.5 acre-feet/year purchased by Cherokee LLC and served by Cherokee through the Water and Service Agreement dated April 30, 2008.

The "Kane No. 1 Water Right" is not a separate water right, but rather a contractual water right for a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee. The Kane Water Right is not viewed by this office as a commitment from Cherokee, but a pre-existing "first-in-line" delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. Since Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16 are currently the only wells that may legally be used to supply water outside of the Designated Basin, the State Engineer's Office based its opinion on the understanding that the 200 acre-feet would come from Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16. The Sweetwater Wells (from which the Kane Water Right is withdrawn from) are constructed into the Quaternary alluvium, which is considered to be an annually renewable source of water with no administrative lifespan.

The proposed source of water for Phase II is to be served by Cherokee and an October 29, 2015 letter of commitment from Cherokee was provided as additional information to this office on November 3, 2015. The letter commits to serving 4.46 acre-feet/year to Phase II of the proposed development. According to this office's records, Cherokee appears to have sufficient water resources in its general water portfolio to supply Phase II of the proposed subdivision with a 300 year water supply.

### **State Engineer's Office Opinion**

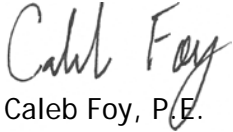
Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that so long as the water demands for Phase I and II of Claremont Ranch Filing 9 do not exceed 7.75 acre-feet/year and 4.46 acre-feet/year, respectively, the proposed water supply can be provided without causing injury to decreed water rights and is expected to be adequate.

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, from which a portion of Cherokee's general water portfolio is supplied by, may be less than the 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. Should you have any questions, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.  
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)  
Doug Hollister, District 10 Water Commissioner (via email)

