



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

July 9, 2026

Ryan Howser, Project Manager

El Paso County Development Services Department

Transmitted via the EPC EDARP Portal: epcdevplanreview.com

Re: Mayberry PUD Phase 2

File #: PUDSP251

Part of the NW ¼ of Sec. 14, Twp. 14 South, Rng. 63 West, 6th P.M.

Upper Black Squirrel Creek Designated Basin

Water Division 2, Water District 10

CDWR Referral No. 31000

Dear Ryan Howser:

We have reviewed the referral for the planned unit development of Mayberry Phase 2 PUD, consisting of 92 duplex units, 6 single units, a community clubhouse, and 7.18 acres of irrigated area. This development is anticipated to be built upon 18.70 ± acres located on Tract K, Mayberry, Colorado Springs, Filing No. 1, with the proposed supply of water and wastewater disposal served by the Ellicott Utilities Company, LLC ("Company"). Comments for this parcel had previously been submitted to this office as Mayberry Filing No. 5 PUD, and was commented on by this office on October 23, 2023. This letter supersedes our previous letter.

Water Demand

According to the Water Supply Information Summary included in the submittal, the estimated total demand is 34.30 acre-feet/year, with 16.17 acre-feet/year for



household use within 98 units, 0.43 acre-feet/year for commercial use in the Clubhouse, concessions, and pool, and 17.70 acre-feet/year for irrigation.

Water Supply

The proposed water supply source is service provided by Ellicott Utilities Company, LLC ("Company").

According to the Water Resources Report prepared by RESPEC and dated June 14, 2026 ("Report"), the Company owns and controls water rights associated with Determination of Water Right Nos. 598-BD and 599-BD, an interest in the Tipton Well and the Benton Well. For purposes of this letter, only the water associated with Determination of Water Right no. 598-BD and the Tipton Well is considered available for serving the subdivision because Determination of Water Right no. 599-BD and the Benton well are not currently legally available for use within the proposed development. According to records in this office as well as the Report, the two available water supply sources total 135.67 acre-feet/year for 300 years.

Determination of Water Right No. 598-BD was issued November 8, 2004 and allows an average annual withdrawal of 161 acre-feet/year for 100 years from the Laramie-Fox Hills aquifer for domestic, irrigation, commercial, industrial, firefighting, and recreational use. The allowed place of use is the 551.26 acres generally described as the W $\frac{1}{2}$ and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 14 and the E $\frac{1}{2}$ of Section 15, all in Township 14 South, Range 63 West of the 6th P.M. Mayberry Phase 2 PUD is within this allowed place of use.

According to the letter dated February 18, 2025, the Company is committed to providing 34.25 acre-feet/year to serve the proposed water uses for the Mayberry Phase 2 PUD development. According to the Report, the District has a present demand of 84.97 acre-feet/year based on its current commitment to serving existing Mayberry Filings. The anticipated demand due to its future commitments to serve Mayberry

Phase 2 PUD is 34.30 acre-feet/year. The 0.05 acre-foot/year difference between the commitment letter and the estimated demand appears to be rounding differences. Additionally, the Company's infrastructure is used to deliver 50 acre-feet per year of water controlled by the Cherokee Metropolitan District ("Cherokee") to the Viewpoint Estates/Antelope Park Ranchettes subdivisions using Cherokee's CMD Wells 1-8 under a 1988 agreement between Cherokee Water and Sanitation District and R.W. Case, of which 45 acre-feet/year have been committed.

Therefore, the total demand from the Company and their infrastructure is 164.27 acre-feet/year, of which 119.27 acre-feet/year of demand comes from the Determination of Water Right no. 598-BD and the Tipton Well water supply, which includes the 34.30 acre-feet/year for this proposed subdivision.

A proposed source of water for this development (Determination no. 598-BD) 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 is 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 of 161 acre-feet/year from the Laramie-Fox Hills aquifer would be reduced to one third of that amount, or 53.67 acre-feet/year.

According to previous reports, the Company has an 82 acre-feet/year interest in the Tipton Well. The 82 acre-feet/year that the Company claims a right to is part of 225 acre-feet/year of fully consumable alluvial groundwater associated with the Tipton Well (permit nos. 16253-RFP-R and 27574-FP) adjudicated in Colorado Ground Water Commission Case No. 91GW01 for municipal, commercial and/or industrial use or export outside of the Upper Black Squirrel Creek Designated Ground Water Basin. The uncommitted annual water supply of 43.91 acre-feet/year is more than the estimated annual future commitment of the Company for this anticipated subdivision. When including the 34.30 acre-feet/year commitment that is the subject of this letter, the amount of uncommitted annual water supply remaining for the Company is estimated to be 16.4 acre-feet/year for a 300-year supply.

Stormwater Detention Structures

According to the submitted material, stormwater detention structure(s) may be developed on the site. The Applicant should be aware that unless the structure(s) 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.

State Engineer's Opinion

Based on the above, and pursuant to C.R.S. 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), it is our opinion that the proposed water supply can be provided without causing material injury to decreed water rights, and is adequate, so long as the plan for augmentation is operated according to its decreed terms and conditions.

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 Colorado Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced Determination of 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 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.

Please contact Katie Anderson at katharine.anderson@state.co.us with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Ailis A. Thyne". The signature is written in a cursive style with a large, stylized "A" and "T".

Ailis Thyne, P.E.

Water Resource Engineer