



COLORADO

Division of Water Resources

Department of Natural Resources

Office of the State Engineer
1313 Sherman St, Suite 821
Denver, CO 80203

August 31, 2017

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Hannah Ridge at Feathergrass Filing No. 3
Final Plat
Sec. 32, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 21286

To Whom It May Concern:

We received your revised submittal dated July 25, 2017 concerning the Final Plat for Hannah Ridge at Feathergrass Filing No. 3. Our office previously provided comments for the Hannah Ridge at Feathergrass Filing No. 3 Final Plat on May 31, 2017 and for the Hannah Ridge at Feathergrass Preliminary Plan Amendment on May 13, 2013. The proposed Hannah Ridge at Feathergrass Filing No. 3 is a replat of Tract FF, Hannah Ridge at Feathergrass Filing No. 1, and consists of 39 single-family lots along with street right-of-ways on 8.31 +/- acres. 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, included with the previous submittal provides an estimated water demand of 0.42 acre-feet/year per lot for 39 lots and 2.73 acre-feet/year for irrigation of 1.3 acres, for a total estimated water demand of 19.11 acre-feet/year.

Source of Water Supply

The proposed source of water is to be served by Cherokee, and a June 19, 2017 letter of commitment was included with the revised submittal. Additionally, a March 31, 2017 letter of commitment was included with the previous submittal and a February 20, 2013 letter of commitment was included with the previous Preliminary Plan Amendment submittal. According to the letters, there are two sources of water that were purchased by Sand Creek Investments North, LLC for Hannah Ridge at Feathergrass (formerly Hannah Ridge Subdivision).

The first source of water is 60.5 acre-feet per year of the Kane Water Right, as documented by the October 11, 2006 “Water and Sewer Service Agreement” between Cherokee and Sand Creek Investments North, LLC. The Kane 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 second source of water is 76 acre-feet per year of Tipton Water, as documented by the December 4, 2006 "Water and Sewer Service Agreement" between Cherokee and Sand Creek Investments North, LLC. The 76 acre-feet is part of 225 acre-feet of fully consumable and exportable water adjudicated to the Tipton Well in Colorado Ground Water Commission Case No. 91GW01, for use and export outside of the Upper Black Squirrel Creek Designated Ground Water Basin.

Additional Comments

Should the development include construction and/or modification of any storm water structures, the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available on the Colorado Division of Water Resources website at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

At this time, it appears that Cherokee has 136.5 acre-feet per year of obligation to deliver for the proposed development. This amount of water satisfies the total estimated demand of 19.95 acre-feet/year for Filing No. 1 (which has been reduced from this office's comments dated September 19, 2013), 16.38 acre-feet/year for Filing No. 2 (comments from our office dated August 10, 2015 were previously provided), 1.68 acre-feet/year for Shops at Feathergrass Filing No. 1 (comments from our office dated January 21, 2014 were previously provided), 21.84 acre-feet/year for Filing No. 4 (comments from our office dated June 14, 2017 were previously provided), 19.11 acre-feet/year for Filing No. 3 (the subject of this submittal), and leaves 57.54 acre-feet per year of obligation for future filings in Hannah Ridge at Feathergrass.

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Filing No. 3 of Hannah Ridge at Feathergrass can be provided without causing injury to decreed water rights and is expected to be adequate.

The Sweetwater Wells (from which the Kane Water Right is withdrawn from) and the Tipton Well (from which the Tipton Water is withdrawn from) are constructed into the Quaternary alluvium, which is considered to be annually renewable with no administrative life span. The long term adequacy of any ground water source may be subject to fluctuations due to hydrological and climatic trends.

Should you have any questions concerning this matter, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Caleb Foy". The signature is written in a cursive, slightly slanted style.

Caleb Foy, P.E.
Water Resources Engineer

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

CRF:crf