



January 7, 2025

Ryan Howser, Project Manager
El Paso County Community & Development Services
Transmitted via email: ryanhowser@elpasoco.com

**Re: The Commons at Falcon Field Filing No. 1 - 4th Letter
File #: SF2435**
Part of the N ½ of Sec. 7, Twp. 13 South, Rng. 64 West, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Ryan Howser:

We have received your submittal concerning the above-referenced proposal for the subdivision of approximately 57.67 acres into 169 single family residential lots and 8 regional commercial lots. Although this subdivision's water supply was previously approved in the letter dated July 31, 2023, this letter provides updated water service provider water supply numbers. The submittal did not include an updated water supply report, and therefore we are writing this letter based on the water supply commitment letter dated March 14, 2023, and the application's Letter of Intent.

Water Supply Demand

According to the commitment letter, the total estimated water requirement for the 169 single family residential lots and 8 regional commercial lots totals 79.14 acre-feet per year for a 300 year water supply. This amount remains unchanged from the previous (3rd) letter sent from our office.

Source of Water Supply

The Woodmen Hills Metropolitan District ("District") is the proposed water supplier and provided a letter dated March 14, 2023 committing to serve the subdivision with a water commitment of 79.14 acre-feet per year.

Information available in our office from February 2024 indicates the District's water supply totals approximately 1,586.55 acre-feet/year for a period of 300 years (or 1147.55 acre-feet/year from bedrock aquifers and 439.00 acre-feet/year from the alluvial aquifer)¹, and it has approximately 1,227.46 acre-feet/year committed to supplying subdivisions and replacement obligations, including The Commons at Falcon Field subdivision's estimated water demand of 79.14 acre-feet/year. The uncommitted annual

¹ These amounts do not include the water from determination of water right nos. 503-BD, 504-BD, and 505-BD since the place of use of these water rights does not include land located in the District's service area and a deed showing the district owns these water rights was not provided. These amounts also do not include the water from determination of water right nos. 1312-BD, 1313-BD, and 1314-BD since a deed showing the district owns these water rights was not provided.



water supply of 359.09 acre-feet/year indicates there is more water available than the estimated annual demand of for Falcon Fields Subdivision.

The District's source of water for this subdivision is primarily bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source 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 allocated under the District's determinations of water rights 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.

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 would be reduced to one third of that amount, which is greater than the annual demand of 79.14 acre-feet for this development. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

A review of our records shows well permit no. 1924 may be located on the subject property. However, according to an email dated March 24, 2021, this well is unable to be located on the subject property. If the well is encountered during development, the Applicant has agreed to plug and abandon the well.

Dewatering of Groundwater

According to the plat notes, an underground drain system may be required for this subdivision. A permanent dewatering system for a multiple-lot subdivision that is designed to lower the groundwater table under the entire subdivision, or that collects water from multiple perimeter drains around single family dwellings and conveys the water to a different location, would be required to obtain a large capacity well permit and replacement plan. A permanent dewatering system serving one single-family dwelling, such as a typical sump and pump would not require a large capacity well permit and replacement plan so long as there is no beneficial use of the water other than incidental use associated with normal discharge and the water is returned to the aquifer with efforts to ensure minimal consumption. The preceding comments regarding dewatering systems are provided as advisory comments only, and do not alter the State Engineer Office's opinion provided below.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 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 existing 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 Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced 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 100 years (or 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.

Additional Comments

According to the Water Resources Report by RESPEC dated March 2023 (“Report”), the District claims water associated with Determination of Water Right nos. 503-BD, 504-BD and 505-BD. According to those determinations, the place of use of the water is limited to the 54.9 acres of overlying land further described in the determinations. Such water should be removed from the available water supplies until such time as the place of use of the water is changed to allow use within the District. The District should also provide information showing the water rights associated with Determination of Water Right nos. 503-BD, 504-BD, 505-BD, 1312-BD, 1313-BD and 1314-BD were transferred to the District. This office also requests an up-to-date GIS data of its boundaries.

Please contact Katharine Anderson at (303) 866-3581 x8207 or at katharine.anderson@state.co.us with questions or comments.

Sincerely,



Melissa van der Poel, P.E.
Water Resource Engineer

Ec: Referral No. 27538
District File
Upper Black Squirrel Ground Water Management District