



August 21, 2024

Kari Parsons, Project Manager
El Paso County Development Services Department
Sent via online portal at: <https://epcdevplanreview.com>

Re: Retreat at Prairie Ridge Filing No. 1 (a.k.a. Jaynes)
File #: SP239
Part of Sections 28 and 33, Twp. 12 South, Rng. 65 West, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision File No. 31142 - 2nd Letter

Dear Kari Parsons:

We have received the re-referral to subdivide 108.89 acres into 217 single-family lots as part of Phase 1 of the Retreat at Prairie Ridge Preliminary Plan:

- The proposed source of water supply for 211 high density lots of the 217 proposed lots is service provided by the Falcon Area Water and Wastewater Authority (FAWWA).
- The proposed water supply for the 6 rural lots of the 217 proposed lots are individual on lot wells, including existing well no. 285607, which may operate pursuant to the pending augmentation plan in Division 2 Water Court case no. 24CW3007.

These comments supersede our previous letter dated January 16, 2024.

Water Supply Demand

The water demand for this development appears to be 77.93 acre-feet/year for household purposes and irrigation, of which it appears 75.33 acre-feet will be provided by the FAWWA and 2.6 acre-feet/year will be provided by individual wells for the 6 rural lots which require new wells. **However, this is not consistent with the Report's calculation of total commitment of 75.33 acre-feet/year in Appendix F of the Water Resources Report prepared by RESPEC dated June 2024 ("Report").**

Source of Water Supply

211 High Density Lots

The proposed source of water supply for the 211 high density lots is service provided by the Falcon Area Water and Wastewater Authority (FAWWA). According to the letter dated June 10, 2024, the FAWWA is committed to providing the 75.33 acre-feet/year of water required by the 211 high density lots in Filing No. 1.



According to the Report, the FAWWA has a water supply of 1,963.54 acre-feet/year¹ based on a 300-year supply consisting of Denver Basin aquifer water adjudicated in Water Court case nos. 85CW131 (Shamrock West water), 86CW19, 91CW35, 93CW18/85CW445 (Bar-X Ranch water), 07CW56 (augmentation plan pending approval in 24CW3007), 08CW113, 17CW3002, 18CW3002, and 20CW3059 and Determination of Water Right nos. 1689-BD, 1690-BD, and 1691-BD (McCune water). A summary of these water rights is provided in Table 3 of that Report.

According to the Report, the FAWWA has 1,039.36 acre-feet/year² based on a 300-year supply in commitments as of June 6, 2024, **including the 75.33 acre-feet/year associated with the 211 High Density Lots and the 2.6 acre-feet/year associated with the 6 Rural lots**, resulting in 924.18 acre-feet/year³ based on a 300-year supply of uncommitted supply.

6 Rural Lots

The proposed water supply for the 6 larger lots is individual on lot wells to operate pursuant to the augmentation plan pending approval in Division 2 Water Court case no. 24CW3007. The 6th lot will be served by an existing well with permit no. 285607. According to the letter dated June 10, 2024, the FAWWA will allocate 2.6 acre-feet/year of not-nontributary Dawson aquifer water required by the 6 rural lots in Filing No. 1. The Dawson aquifer water underlying the subject lots was decreed in case no. 07CW56 and included in FAWWA's Well Field in case no. 23CW3009. **The 07CW56 Dawson aquifer water is pending augmentation in case no. 24CW3007.** The augmentation plan application proposes that each Dawson well pump 0.32 acre-feet/year (1.6 acre-feet/year for all 5 wells) for a period of 300 years.

Section 37-92-602(3)(b)(III), C.R.S. requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. Well permit no. 285607 is proposed to continue to operate upon subdivision approval and serve one of the rural lots. Permit no. 285607 was issued pursuant to section 37-92-602(3)(b)(II)(A), C.R.S. on May 5, 2011 as the only well on 35.12 acres described as a portion of the NW ¼ of Section 28, Twp. 12 South, Rng. 65 West, 6th P.M. The well is permitted to withdraw 3 acre-feet/year from the not-nontributary Dawson aquifer, excluded from case no. 07CW56. According to the Report, this well will be re-permitted pursuant to the pending case no. 24CW3007 augmentation plan. However, the application filed in case no. 23CW3007 states that this well will maintain its presumption of non-injury under section 37-92-602(3)(b)(IV). **The Applicant should be aware that well no. 285607 is not eligible to keep its presumption of non-injury under section 37-92-602(3)(b)(IV), C.R.S. since a portion of the land for which the well is permitted will not be platted as part of the subdivision (see attached map).**

¹ Note that our office calculates that 1,960.42 acre-feet/year is available based on a 300-year supply. The discrepancy appears to be due to the amounts in Table 3 of the Report for case nos. 91CW35 and 07CW56 which are not consistent with the decreed amounts. FAWWA is limited to the decreed amounts.

² Appendix F of the Report does not appear to include the 2.6 acre-feet to be allocated to the 6 lots as part of its total commitments.

³ This calculation is not consistent with our estimate of 923.99 acre-feet/year available. The reason for this discrepancy is unclear.

Therefore, the application for the augmentation plan in case no. 23CW3007 should be amended so as to include this well.

Applications for on lot well permits, submitted by an entity other than the current water right holder (FAWWA), must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

Allocation Approach

The proposed source of water for this subdivision is 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. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. According to section 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Additionally, according to section 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 in the decrees and determinations are equal to one percent of the total amount, and as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7 and 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 shown on attached Table 1 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 or 1,960.42 acre-feet/year, which is greater than the annual demand of FAWWA's commitments of 1,039.36 acre-feet/year. As a result, the water may be withdrawn in those annual amounts for 300 years.

Therefore, there appears to be more than sufficient legal supply to supply this development on a 300-year basis.

Well No. 34030

A review of our records previously showed well permit no. 34030 may be located on the subject property. The Applicant has performed a field search and found what is believed to be remnants of this well. According to the Report, this well will be abandoned. **This office has no concerns so long**

as an activity to plug, seal, and abandon the well are in accordance with the [Well Construction Rules](#) and a [Well Abandonment Report](#) is filed with this office.

Additional Comments

The application materials indicate that a stormwater detention structure will be constructed as a part of this project. The applicant should be aware that unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., 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](#) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the [Colorado Stormwater Detention and Infiltration Facility Notification Portal](#) to meet the notification requirements.

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., this office has not received enough information to render an opinion regarding whether the proposed water supply is adequate and can be provided without causing injury to decreed water rights. **In order to obtain a favorable opinion, the Applicant must provide the following information:**

1. Clarify whether the total water demand for all 217 lots is 77.93 acre-feet/year or 75.33 acre-feet/year.
2. Provide evidence that the augmentation plan in 24CW3007 has been approved to allow for the issuance of Dawson well permits for the rural lots. Additionally, the augmentation plan must include well no. 285607 if this well is proposed to be used in the subdivision.

Please contact Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Attachments: Table 1 - SEO Calculations of FAWWA Supplies
Map of Well No. 285607

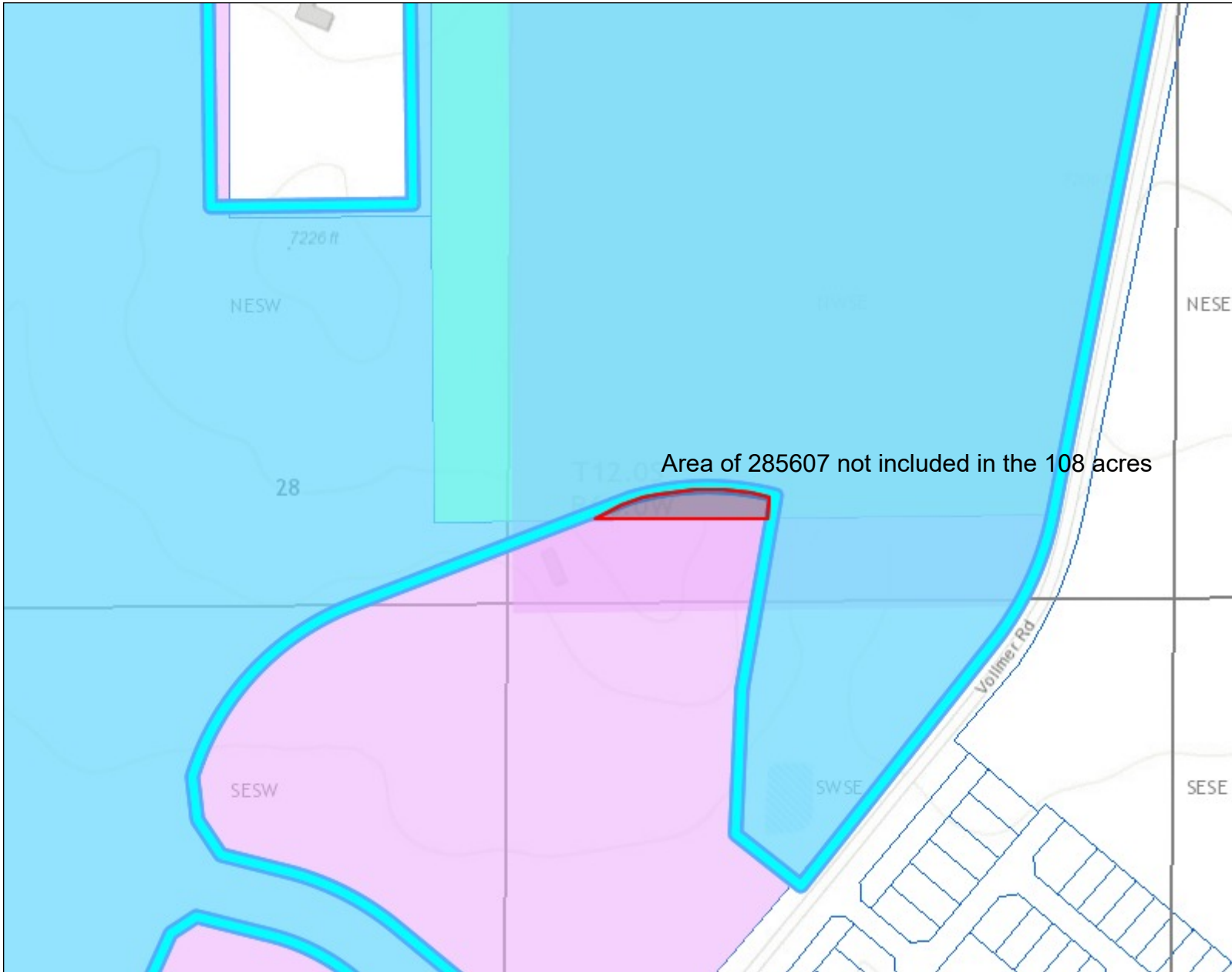
Ec: Permit nos. 285607 and 34030 files

Sterling Ranch Metropolitan District Water Supplies		Finding / Determination / Decree	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/yr)	Annual Allocation 300 Year (AF/yr)	Evidence of Ownership	Notes
Last Updated		85CW131	NT	0.00	0.00	0.00	Special Warranty Deed	Not included in FAWWA's calculations of water supply.
Wenli Dickinson 8/20/2024		93CW18/85CW445	NT	55200.00	552.00	184.00	Special Warranty Deed	Applicant was deeded 552af of NT KLF water decreed in 85CW445 in two separate transactions
		86CW19	NT	53900.00	539.00	179.67	FAWWA Assignment from SR Water	Under 1410 acres
		91CW35	NT	3600.00	36.00	12.00	Quit Claim	Does not match June 2024 Table 3
	Laramie Fox Hills	07CW0056	NT	3850.00	33.70	11.23	Quit Claim	480af reserved for augmentation under 24CW3007
		08CW113	NT	40.00	0.40	0.13	FAWWA Assignment from SR Water	Under 41.44 acres, reduced to 1.44 acres;
		17CW3002	NT	6440.00	64.40	21.47	Assignment/Assumption Agreement	Applicant only deeded 64.4af of 98af of NT KA)
		17CW3002	NT	-612.00	-6.12	-2.04	-	PPD Augmenting 29 wells; relinquished
		17CW3002	NT	-2796.00	-27.96	-9.32	-	Reserved for post-pumping for 18CW3002
		20CW3059	NT	2780.00	27.80	9.27	FAWWA Assignment from SR Water	
		1689-BD	NT	26300.00	263.00	87.67	Special Warranty Deed	
		85CW131	NT	47400.00	474.00	158.00	Special Warranty Deed	Presumably applicant only owns 474af of the 616 af of NT KA decreed in 85CW131
		85CW131	NNT	2500.00	0.00	0.00	Special Warranty Deed	Needs Augmentation, presumably applicant only owns 25af of 237af NNT KA decreed in 85CW131
		86CW18	NT	57500.00	575.00	191.67	FAWWA Assignment from SR Water	Under 1410 acres
		91CW35	NT	4900.00	49.00	16.33	Quit Claim	Does not match June 2024 Table 3
	Arapahoe	93CW18/85CW445	NT	79050.00	790.50	263.50	Special Warranty Deed	Applicant was deeded 790.50af of 813 NT KA water decreed in 85CW445 in two separate transactions
		07CW0056	NT	5800.00	58.00	19.33	Quit Claim	Amount in June 2024 Table 3 not consistent with claimed amount in 07CW0056.
		08CW113	NNT	60.00	0.60	0.20	FAWWA Assignment from SR Water	Augmented under 20CW3059
		17CW3002	NT	9796.00	97.96	32.65	Assignment/Assumption Agreement	Under 225.97 acres
		20CW3059	NNT	4311.00	43.11	14.37	FAWWA Assignment from SR Water	Augmented under 20CW3059
		1690-BD	NT	39800.00	398.00	132.67	Special Warranty Deed	Place of use includes Sterling Ranch Metro's boundaries; Sterling Ranch assigned all water/sanitary service to FAWWA via Assignm
		85CW131	NT	18700.00	187.00	62.33	Special Warranty Deed	
		85CW131	NNT	105700.00	0.00	0.00	Special Warranty Deed	Needs Augmentation, presumably applicant only owns 1057af of 1945af of NT TKD water decreed in 85CW131
		91CW35	NNT	7600.00	0.00	0.00	Quit Claim	Needs Augmentation, not included in FAWWA's calculations of water supply
	Denver	93CW18/85CW445	NT	126000.00	1260.00	420.00	Special Warranty Deed	Applicant was deeded 1,260af of 1,360 NT TKD water decreed in 85CW445 in two separate transactions
		93CW18	NT	-82167.00	-821.67	-273.89	-	Post-pumping depletions reservation under 20CW3059
		07CW0056	NNT	6920.00	0.00	0.00	Quit Claim	Pending augmentation under 23CW3009
		08CW113	NNT	72890.00	728.90	242.98	FAWWA Assignment from SR Water	Augmented under 20CW3059
		20CW3059	NNT	4556.00	45.56	15.19	FAWWA Assignment from SR Water	Requires Permit 26947-F to be re-permitted (has not happened as of 2022); augmented under 20CW3059
		1691-BD	NT	51300.00	513.00	171.00	Special Warranty Deed	Place of use includes Sterling Ranch Metro's boundaries; Sterling Ranch assigned all water/sanitary service to FAWWA via Assignm
		85CW131	NNT	49800.00	0.00	0.00	Special Warranty Deed	Needs Augmentation, presumably applicant only owns 498af of 1710af of NNT TDW water decreed in 85CW131
		91CW35	NNT	3400.00	0.00	0.00	Quit Claim	Needs Augmentation, not included in FAWWA's calculations of water supply
		93CW18/85CW445	NNT	128800.00	0.00	0.00	Special Warranty Deed	Needs Augmentation
	Dawson	07CW0056	NNT	3490.00	0.00	0.00	Quit Claim	Pending augmentation under 23CW3009
		08CW113	NNT	39250.00	0.00	0.00	FAWWA Assignment from SR Water	Not included in FAWWA's calculations of water supply.
		16CW3095	NNT	0.00	0.00	0.00	Not owned by FAWWA	Augments 10 residential wells for 300 years, does not match June 2024 Table 3; private wells not owned by FAWWA
		18CW3002	NNT	0.00	0.00	0.00	Not owned by FAWWA	Augmentation Plan for 17CW3002 for 300 years, does not match June 2024 Table 3; private wells not owned by FAWWA
		20CW3059	NNT	975.00	9.75	0.00	FAWWA Assignment from SR Water	Not included in FAWWA's calculations of water supply.
Determination Total				117400.00	1174.00	391.34		
Water Court Total				819633.00	8196.33	2732.11		Includes water that is not augmented.
Total Currently Available				588126.00	5881.26	1960.42		The total in May 20, 2023 Table 3 appears to exclude the water augmented under 16CW3095, 18CW3002, 20CW3059
Commitments				310929.80	3109.30	1036.43		As of June 2024; does not appear to include 2.6af/yr associated with Retreat at Prairie Ridge Filing No. 1 6 rural lots.
Total Supply Remaining				277196.20	2771.96	923.99		

Notes 1 The Sterling Ranch Metropolitan District is wholly contained within FAWWA and is the largest part of FAWWA.



Map Viewer



Legend

- Township
- Section
- Q40
- County
- Presumption - Denver (TKD)
- Presumption - Laramie-Fox Hill
- Presumption - Lower Arapahoe
- Presumption - Lower Dawson
- Presumption - Unnamed
- Presumption - Upper Arapahoe
- Presumption - Upper Dawson
- Subdivision/Other Referral
- County Parcel

Location

Notes

Area not covered by well no. 285607

585 0 292 585 Feet

1: 3,508



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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