



**COLORADO**  
Division of Water Resources  
Department of Natural Resources  
Office of the State Engineer  
1313 Sherman St, Suite 821  
Denver, CO 80203

August 14, 2017

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

RE: Padmark Business Park, Filing No. 1  
Final Plat/Replat  
Sec. 8, Twp. 14S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 24071

To Whom It May Concern:

We have received additional information concerning the above-referenced proposal to replat a 3.85 +/- acre tract of land into 3 lots. The comments provided herein supersede those comments previously provided by letter dated July 6, 2017, attached. According to the submittal, the tract of land is described as lot 44, Claremont Business Park Filing No. 2, for which this office provided comments dated July 20, 2006. 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 submittal provides a total estimated demand of 1.68 acre-feet/year for the proposed development, which was based on a water use rate of 0.1 gallon/square foot/day for 15,000 square feet of commercial space.

### **Source of Water Supply**

The proposed source of water is to be served by Cherokee and a January 26, 2017 letter from Cherokee was included with the original submittal. As stated in the letter:

*In conclusion this is an Intent to Serve Letter, which provides you reasonable information on the District's facilities, water supplies, treatment capabilities and general ability to serve. However a Quantitative Commitment letter, required for final platting, will be provided once a water and sewer demand allocations are provide to the District.*

Additionally, a May 23, 2017 letter from Cherokee was included with the original submittal. As stated in the letter:

*This Will Serve letter is hereby exclusively for commercial development at this location within the District. The Cherokee Metropolitan District is in the process of instituting a Developer Packet that will specify items required for submission by developers to ensure adequate water and wastewater infrastructure and design criteria. Hammers Construction will be required to submit application for Lots 2 and 3 of this development for plan review and tap fee calculation, and must achieve appropriate zoning and a final plat land use entitlement from El Paso County Development Services within 12 months of the date of this letter.*



According to the July 20, 2017 letter and spreadsheet from Cherokee that was provided as additional information, it appears that Cherokee has allocated 4.54 acre-feet/year to the proposed development. 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.

### Additional Comments

Should the project include a proposal to collect stormwater runoff in a drainage/water quality pond, the Applicant should be aware that, unless the proposed improvements to the existing storm water structure 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 DWR's 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

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 the proposed development do not exceed 4.54 acre-feet/year, the proposed water supply 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) are constructed into the Quaternary alluvium, which is considered to be an annually renewable source of water with no administrative lifespan. 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,



Caleb Foy, P.E.  
Water Resource Engineer

Attachment: July 6, 2017 Letter - Padmark Business Park, Filing No. 1

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



## COLORADO

### Division of Water Resources

Department of Natural Resources

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

July 6, 2017

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

RE: Padmark Business Park, Filing No. 1  
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Water Division 2, Water District 10  
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We have received a referral concerning the above-referenced proposal to replat a 3.85 +/- acre tract of land into 3 lots. According to the submittal, the tract of land is described as lot 44, Claremont Business Park Filing No. 2, for which this office provided comments dated July 20, 2006, attached. 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 submittal provides a total estimated demand of 1.68 acre-feet/year for the proposed development, which was based on a water use rate of 0.1 gallon/square foot/day for 15,000 square feet of commercial space.

#### Source of Water Supply

The proposed source of water is to be served by Cherokee and a January 26, 2017 letter from Cherokee was included with the submittal. As stated in the letter:

*In conclusion this is an Intent to Serve Letter, which provides you reasonable information on the District's facilities, water supplies, treatment capabilities and general ability to serve. However a Quantitative Commitment letter, required for final platting, will be provided once a water and sewer demand allocations are provide to the District.*

Additionally, a May 23, 2017 letter from Cherokee was included with the submittal. As stated in the letter:

*This Will Serve letter is hereby exclusively for commercial development at this location within the District. The Cherokee Metropolitan District is in the process of instituting a Developer Packet that will specify items required for submission by developers to ensure adequate water and wastewater infrastructure and design criteria. Hammers Construction will be required to submit application for Lots 2 and 3 of this development for plan review and tap fee calculation, and must achieve appropriate zoning and a final plat land use*



*entitlement from El Paso County Development Services within 12 months of the date of this letter.*

According to this office's records, it appears that Cherokee has adequate water resources to serve the estimated demand of 1.68 acre-feet/year for the proposed development.

#### **Additional Comments**

Should the project include a proposal to collect stormwater runoff in a drainage/water quality pond, the Applicant should be aware that, unless the proposed improvements to the existing storm water structure 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 DWR's 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**

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 Padmark Business Park Filing No. 1 **cannot** be provided without causing injury to decreed water rights until a firm letter of commitment is provided by Cherokee which quantifies the amount of water Cherokee has committed to serve the proposed development. Additionally, should the water supply include a portion of the 58 acre-feet of Kane Water Right served by Cherokee for use in Claremont Business Park Filing Nos. 2 and 3, the letter of commitment from Cherokee must specify how the 58 acre-feet of Kane Water Right is allocated. According to this office's records, it appears that Cherokee has adequate water resources to serve the estimated demand of 1.68 acre-feet/year for the proposed development.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.  
Water Resource Engineer

Attachment: July 20, 2006 Letter - Claremont Business Park Filing No. 2

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

# STATE OF COLORADO

## OFFICE OF THE STATE ENGINEER

Division of Water Resources  
Department of Natural Resources

1313 Sherman Street, Room 818  
Denver, Colorado 80203  
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July 20, 2006

Bill Owens  
Governor

Russell George  
Executive Director

Hal D. Simpson, P.E.  
State Engineer

Carol Weber  
El Paso County Development Services Department  
2880 International Circle  
Colorado Springs, CO 80910

RE: Claremont Business Park Filing No. 2  
Sec.s 5 & 8, T14S, R65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10

Dear Ms. Weber:

We have received additional information for the Claremont Business Park Filing No. 2 final plat (54 commercial lots on 60.139 acres). The subdivision is located outside the boundaries of the Upper Black Squirrel Creek designated Basin (UBSCDB).

The water for this proposal is 58 acre-feet of the Kane Water Right water owned by Claremont Development, Inc., purchased from PLW, Inc. Submitted in support of this claim is a contract for 58 acre-feet of the Kane Water Right, dated June 23, 2006. The Kane Water Right consists of a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee Metropolitan District (Cherokee). The Kane Water Right is not viewed by this office as a commitment from Cherokee, but as a pre-existing "first-in-line" delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. This filing requires 43.6 acre-feet (300 year supply) and the remaining 14.4 acre-feet per year will be reserved for future development.

Pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's Office offers the opinion that the proposed water supply will not cause material injury to existing water rights and that the supply is adequate. Should you have any questions, feel free to contact this office.

Sincerely,

Dick Wolfe, P.E.  
Assistant State Engineer

cc: Division 2  
Cherokee Metro District  
Cherokee Metro. Dist. File  
UBSCDB (Andy Jones & Rich LiPuma)  
Jim Culichia  
Rodney Preisser  
Subdivision File  
HCF:Claremont business park 2