



May 1, 2019

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

RE: Midtown at Hannah Ridge - Filing No's. 1 & 2
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 have received your submittal concerning the above-referenced proposal to subdivide a 9.12 +/- acre tract of land into 61 parcels and a 3.26 +/- acre tract of land into 28 parcels. The proposed Midtown at Hannah Ridge Filings 1 & 2 are a replat of Tracts AA and BB Hannah Ridge at Feathergrass Filing No. 1. Our office previously provided comments for the Hannah Ridge at Feathergrass Preliminary Plan Amendment on May 13, 2013. The proposed supply of water and wastewater disposal continues to be served by the Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provides an estimated water demand of 35.27 acre-feet/year for Filing No. 1. This amount breaks down to 0.42 acre-feet per year per lot for 61 lots for a total of 25.62 acre-feet per year, along with 9.65 acre-feet per year for the irrigation of 3.71 acres.

The Water Supply Information Summary, Form No. GWS-76, provides an estimated water demand of 14.33 acre-feet/year for Filing No. 2. This breaks down to 0.42 acre-feet per year per lot for a total of 11.76 acre-feet per year, along with 2.57 acre-feet per year for the irrigation of 1.0 acre.

Therefore, the total estimated water demand for Midtown at Hannah Ridge Filing No's 1 & 2 is 49.6 acre-feet per year.

Please note that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water is to be served by Cherokee, and a September 4, 2018 letter of commitment was included with the submittal. According to the letter, Cherokee has committed to providing 22.5 acre-feet per year of water to Midtown at Hannah Ridge. The commitment letter does not address whether this is an additional volume of water or part of the water previously committed to the subdivision. According to previous letters from Cherokee regarding



Heather Ridge at Feathergrass as a whole, several sources of water were purchased by Sand Creek Investments North, LLC for Hannah Ridge at Feathergrass subdivisions.

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.

An October 15, 2018 letter of commitment dedicates an additional 0.62 acre-feet/year to Hannah Ridge at Feathergrass subdivision, for a total of 137.12 acre-feet per year.

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 137.12 acre-feet per year of obligation to deliver for Hannah Ridge at Feathergrass as a whole. This amount of water satisfies the total estimated modified demand of 119.35 for Hannah Ridge at Feathergrass Filing No's 1-7 and Shops (comments from our office dated February 13, 2019 were previously provided).

Therefore, an additional 31.83 acre-feet per year of water would be required to satisfy the estimated water demand of 49.6 acre-feet/year for Midtown at Hannah Ridge, as outlined by the Water Supply Information Summary forms included with the referral documents. If the water supply commitment included with this submittal dedicates an additional volume of water, in addition to the above outlined sources, then this should be identified in any future submittal.

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that until evidence is provided which secures 31.83 acre-feet per year of additional water needed to meet the estimated demand of Midtown at Hannah Ridge, **the proposed water supply for Midtown at Hannah Ridge cannot be provided without causing injury to decreed water rights and is not 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, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco".

Ivan Franco, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)
Kathy Trask (via email)