



September 2, 2026

Joe Letke, Project Manager

El Paso County Community & Development Services

Transmitted via EDARP portal: [epcdevplanreview.com](https://epcdevplanreview.com)

**Re: The Markets at Bent Grass - Preliminary Plan**  
**File #: SP262**

Part of the SW ¼ of Sec. 1, Twp. 13 South, Rng. 65 West, 6<sup>th</sup> P.M.

Upper Black Squirrel Creek Designated Basin

Water Division 2, Water District 10

Dear Joe Letke:

We have received your submittal concerning the above-referenced proposal for the subdivision of approximately 53.91 acres into fourteen (14) commercial lots and five (5) tracts. The water supply and wastewater disposal will be handled by Woodmen Hills Metropolitan District (District).

### **Water Supply Demand**

According to the Water Supply Information Summary and Water Resources Report, the total estimated water requirement for the fourteen (14) commercial lots and 5 tracts totals 57.3 acre-feet per year for a 300 year water supply for all uses in the development. It was unclear from information provided if this was an entirely new commitment or if some portions had been previously committed to the three previous lots. Therefore, we have assumed this is an entirely new commitment.



## Source of Water Supply

The Woodmen Hills Metropolitan District (“District”) is the proposed water supplier and a letter dated May 26, 2026 committing to serve the subdivision was included in the referral material.

Information available in our office in conjunction with the Water Resources Report revised May 2026 indicates the District’s water supply totals, at a minimum, approximately 1,586.55<sup>1</sup> 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)<sup>1</sup>, and it has approximately 1,373.9 acre-feet/year committed to supplying subdivisions and replacement obligations, including The Markets at Bent Grass subdivision’s estimated water demand of 57.3 acre-feet/year. The uncommitted annual water supply of 212.6 acre-feet/year indicates there is more water available than the estimated annual demand for this development.

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.

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<sup>1</sup> 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 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. These amounts also do not include the water from Case No. 99CW214 since a deed showing the district owns these water rights was not provided

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 57.3 acre-feet for this development. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

**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 May ("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 Case No. 99CW214 and Determination of Water Right nos. 503-BD, 504-BD, 505-BD, 1312-BD, 1313-BD and 1314-BD were transferred to the District.

Please contact me at (303) 866-3581 x8234 or [Ivan.Franco@state.co.us](mailto:Ivan.Franco@state.co.us) with questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is fluid and cursive, with the first name "Ivan" and last name "Franco" clearly distinguishable.

Ivan Franco, P.E.

Water Resource Engineer

Ec: Referral No. 34775

District File

Upper Black Squirrel Ground Water Management District