



September 20, 2022

Ryan Howser, Project Manager  
El Paso County Community & Development Services  
Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com>

**Re: Falcon Highlands South Filing No. 3 - Phase 1**  
**Case No. PUDSP225, Planned Unit Development, Preliminary Plan & Early Grading**  
Part of SW ¼ of Section 12, Township 13 South, Range 65 West, 6<sup>th</sup> P.M.  
Upper Black Squirrel Creek Designated Basin  
Water Division 2, Water District 10

Dear Ryan Howser:

We have reviewed the above-referenced proposal for phase one of the Falcon Highlands South Planned Unit Development, Preliminary Plan and Early Grading on approximately 17 acres in the SW ¼ of Section 12, Township 13 South, Range 65 West, 6<sup>th</sup> P.M. This phase proposes to plat the first 50 of 380 lots known as Falcon Highlands Filing No. 3. The Applicant is requesting a finding of sufficiency of water supply for the first 50 lots. **The comments contained in this letter only address the water supply for the first phase concerning 50 lots and do not provide an opinion of adequacy on all phases of Filing 3.**

The initial maps provided show the platting of 55 lots in Phase I. The Applicant should provide an updated plat map of the first 50 lots to be platted.

Background: The land within Filing No. 3 will be developed into single-family residential lots, trail corridors, open space, park space, and for stormwater facilities in 4 phases. Falcon Highlands Filing No. 3 is part of the Falcon Highlands Sketch Plan, originally approved in 2004. The sketch plan encompassed 240 acres, most of which has been developed into single-family residential in Filing Nos. 1 and 2. This office previously provided comments on the sketch plan on February 10, 2011 and on the amendment to the sketch plan on November 10, 2021 (case no. SKP214 which was approved by the county this year). This office previously provided comments on the Falcon Highlands Filing No. 3 (referral no. 28927) on July 25, 2022.

### **Water Supply Demand**

According to the referral materials, the estimated water demand for the 50 lots is 13,391 gallons per day or 15 acre-feet per year [50 single-family equivalents (SFEs)<sup>1</sup>].

### **Source of Water Supply**

The proposed water supply is service provided by the Falcon Highlands Metropolitan District (“District”). According to the letter dated April 27, 2022 from the District, Filing No. 3 is within its boundaries and is eligible to receive water service. The letter commits to providing service for 50 SFEs for the first 50 lots of Phase I.

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<sup>1</sup> The Applicant is using a conversion rate is 0.30 acre-feet per year per SFE based on current use data from the Falcon Highlands Metropolitan District.



The April 27, 2022 District letter and August 2022 Falcon Highlands Metropolitan District Report prepared by JDS-Hydro Consultants Inc. ("Report") state that the District currently has a supply of 710 SFEs and is currently committed to serve 450 SFEs, **therefore the uncommitted supply is adequate to serve the additional 50 SFEs; however the uncommitted supply is not adequate to serve the additional 380 SFEs associated with the entire Filing 3.** The District is seeking additional water rights to meet its commitments, including the development of Arapahoe Well No. 2 in 2023.

According to the Report, the District owns and/or controls various Determinations of Water Rights water court decrees, summarized in Table 3.2 of the Report and as follows: nontributary and not-nontributary groundwater allocated under Determination of Water Right nos. 141-BD, 142-BD, and 143-BD; nontributary groundwater decreed in Division 2 Water Court case nos. 83CW134 and 01CW065; and not-nontributary groundwater decreed in case nos. 83CW133 (augmented in case no. 06CW102) and 83CW135. The District has constructed wells under the following permit nos.: 57949-F (Determination of Water Right no. 141-BD), 57950-F (Determination of Water Right no. 142-BD), and 66364-F (Div. 2 Case No. 83CW134).

According to the Report, the total supply available to the District based on a 100-year supply is 640.91 acre-feet per year or based on a 300-year water supply is 213.16 acre-feet per year (710 SFEs), which account for the 2% relinquishment requirement for the nontributary Arapahoe aquifer decreed in case no. 01CW065. These amounts do not account for the 2% relinquishment requirement for the other nontributary sources outside of designated basins or the 4% relinquishment requirement for the not-nontributary Denver aquifer inside of designated basins allocated under 143-BD.

According to information available to our office, **the total supply available to the District based on a 100-year supply is 641.6 acre-feet per year or based on a 300-year water supply is 202.2 acre-feet per year<sup>2</sup>**, which amounts do not account for the relinquishment requirements. Accounting for the relinquishment requirements which sum to 15.9 acre-feet per year, **our office calculates that the total supply available to the District based on a 100-year supply is 625.7 acre-feet/year**, which is not consistent with the amounts shown on Table 3.2 of the Report.

Prior to further review of the subdivision water supply plan for Phase I, the District must provide a complete summary of the water rights owned and controlled by the District, accounting for relinquishment requirements.

Lastly, a review of our records shows well permit no. 272880 may be located on the land area subject of this subdivision plan. Permit no. 272880 was issued March 6, 2007 for the historic domestic use of a well first put to beneficial use December 9, 1955 located in Sec. 12, Twp. 13S, Rng. 65W (previously permitted under 233-WCB). Upon approval of Falcon Highlands Filing No. 3, the well must either be plugged and abandoned or re-permitted as a large-capacity well pursuant to Determination of Water Right No. 143-BD. Prior to further review, the Applicant must clarify whether well permit no. 272880 is located on the subject land, and if so if the well will be plugged and abandoned or re-permitted as a large-capacity well pursuant to Determination of Water Right No. 143-BD.

### **State Engineer's Office Opinion**

Based on the above and pursuant to sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. **Prior to further review of the subdivision water supply plan for Phase I of Filing 3 of the Falcon Highlands Subdivision, the following information is required.**

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<sup>2</sup> This amount does not include the water available under the 06CW102 augmentation plan since the plan is only approved for a period of 100 years.

1. The District must provide a complete summary of the water rights owned and controlled by the District, accounting for relinquishment requirements.
2. The District's stated current commitments do not match the information we have on file for the District, therefore the District should clarify which subdivisions it is currently committed to supplying and the water demand for each subdivision.
3. The Applicant must clarify whether well permit no. 272880 is located on the subject land, and if so if the well will be plugged and abandoned or re-permitted as a large-capacity well pursuant to Determination of Water Right No. 143-BD.

### **Additional Comments**

According to the submitted material, stormwater detention structure(s) will be developed on the site. The Applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you or the Applicant have any questions, please contact Wenli Dickinson at (303) 866-3581 x8206 or at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us).

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer

Ec: Referral No. 30472  
Well permit no. 272880 file  
Upper Black Squirrel Ground Water Management District