

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Kenneth R. Hodges, County Attorney

Assistant County Attorneys

Lori L. Seago
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Christopher M. Strider
Terry A. Sample
Dorey L. Spotts
Steven W. Martyn

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SF-22-11 Walden Preserve 2, Filing No. 5
Final Plat

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Walden Holdings I, LLC and Matthew Dunston, Managing Member ("Applicant") for a final plat proposal for 50 single-family residential homes on 91.85 acres, plus open space and right-of-way. This is the fifth and final plat of the Walden Preserve 2 subdivision. The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the subdivision water demand is 0.34 acre-feet/lot/year, which reflects 0.27 acre-feet for each lot for household use and 3.5 acre-feet/year for irrigation, for a total of 17.0 acre-feet/year for the subdivision. Based on the total demand, Applicant must be able to provide a supply of 5,100 acre-feet of water (17.0 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from Walden Corporation ("Corporation"), a private central water supplier. The Applicant provided a *Water Resources Report for Monument Academy Subdivision and Walden Preserve 2, Filing No. 5*, dated December 8, 2021 ("*Report*"). The Corporation operates a central water supply system utilizing 7 Denver Basin wells. 6 wells are completed into the Dawson aquifer as decreed in Case Nos. W-7843-74 and W-6220 and 1 well (Permit No. 32697-F) is completed into the Denver aquifer. The *Report* states that "[t]he total annual appropriation of the Walden Corporation wells

is 604 af/yr, providing a total decreed 100-year supply of 60,400 acre-feet” [201.33 acre-feet/year for 300 years]. The *Report* states that the water demand is “based on the assumed average use of 0.34 acre feet per year per residence (Single Family Equivalent)” The *Report* further states that Walden Corporation has total available resources of 75,900 acre-feet and the previous commitments require a total commitment of 28,431 acre-feet. These figures result in available water resources in the amount of 47,469 acre-feet (158.23 acre-feet/year for 300 years).

4. Matthew Dunston, on behalf of Walden Corporation, provided a letter of commitment for Walden Preserve 2, Filing No. 5, dated January 4, 2022, in which the Corporation committed to providing water service to the 50 single-family residential lots encompassing the Walden Preserve 2 Filing No 5 subdivision with an annual water demand of 17.0 acre-feet/year.

State Engineer’s Office Opinion

5. In a letter dated March 24, 2022, the State Engineer reviewed the proposal to subdivide the 91.85-acre parcel into 50 single-family lots, plus open space and right-of-way. The State Engineer provided a detailed review of the Corporation’s water rights which include decrees in Case Nos. 2016CW3103 (Division 1) and 2016CW3048 (Division 2), and the well permits granted to the Corporation in the Dawson and Denver aquifers pursuant to Case Nos. W-7843-74 and W-6220.

The State Engineer noted that some of the Corporation wells are not fully developed to pump decreed amounts; but also noted that the Corporation has “supplemental not nontributary Dawson aquifer water from the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002 CW117 (Division 2).” Based on their review and pursuant to the *Report*, the State Engineer identified that the Corporation has “approximately 27,720 acre-feet (based on the actual amount determined by SEO) of Denver Basin ground water available for additional commitments.” The State Engineer confirmed that the “proposed water supplier for the Walden Preserve 2 Filing 5 is the Walden Corporation (“Corporation”), a private water company.” Further, “a letter of commitment from the Corporation dated January 4, 2022 was included in the referral material.” Finally, “[p]ursuant to Section 30-28-136(1)(h)(l), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Walden Preserve Filing No. 5 is 17.0 acre-feet/year, for a total of 5,100 acre-feet for 300 years, to be supplied by the Walden Corporation.

Based on the water demand of 17.0 acre-feet/year for the subdivision and the Corporation’s availability of water sources, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Walden Preserve 2 Filing No. 5 subdivision.

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary provided July 1, 2022, the *Water Resources Report* dated December 8, 2021, the Walden Corporation letter dated January 4, 2022, and the State Engineer Office's Opinion dated March 24, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the Corporation.
- B. Applicant shall upload water decree Case Nos. W-7843-74, W-6220, 2016CW3103, and 2016CW3048 to eDARP prior to filing the final plat.
- C. Applicant shall upload an updated *Water Resources Report* that specifically sets forth the overall water demand for the subdivision at 17.0 acre-feet/year (5,100 total for 300 years), including household use and irrigation.
- D. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 200 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water

resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc. Ryan Howser, Planner III