

## COLORADO

### Division of Water Resources

Department of Natural Resources  
Colorado Ground Water Commission

December 29, 2020

Kari Parsons  
El Paso County, Planning and Community Development  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

RE: Bent Grass East Commercial Filing No. 3  
Part of the SE ¼ of the NE ¼, Sec. 1, T13S, R65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have received your December 9, 2020 submittal concerning the above-referenced proposal for the subdivision of 5.35 acres into six commercial lots and one tract.

#### **Water Supply Demand**

According to the Water Supply Information Summary and the Bent Grass East Commercial Filing No. 3 Water Resources Report & Wastewater Treatment Report by JDS-Hydro Consultants dated November 2020 (“Water Resources Report”), the total estimated water requirement for the six commercial lots for Filing No. 3 is 5.88 acre-feet per year for a 300 year water supply.

#### **Source of Water Supply**

Woodmen Hills Metropolitan District (“District”) is the proposed water supplier. The District has provided a letter dated November 24, 2020 committing to serve six commercial lots with a water commitment of 5.88 acre-feet per year.

The District’s sources of water are a combination of bedrock aquifer allocations from the Denver Basin as well as alluvial sources. The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources 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 determined 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on three hundred years, the annual amounts of water available from the bedrock aquifers that may be withdrawn from a maximum period of 300 years are equal to one-third of one percent of the total amount.



Information available in our files indicates the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 1,122 acre-feet/year.

The uncommitted annual water supply of 305 acre-feet/year is more than the estimated annual demand of 5.88 acre-feet/year for Bent Grass East Commercial Filing No. 3 Subdivision.

**State Engineer's Office Opinion**

Based upon the above and pursuant to Section 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 decreed 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.

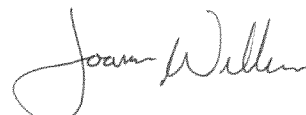
Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced Determination of 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 (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.**

Should you have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Joanna Williams, P.E.  
Water Resources Engineer

Ec: Upper Black Squirrel Creek Ground Water Management District