



July 24, 2023

Ashlyn Mathy, Project Manager  
El Paso County Development Services Department  
Transmitted via the EPC EDARP Portal

**Re: Bent Grass Lot 1A Filing 2A Replat (File # VR2316)**  
Part of the E ½ SE ¼ NE ¼ of Sec. 1, Twp. 13S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Basin

Dear Ashlyn Mathy:

We have reviewed the above referenced referral concerning the replat of Lot 1A, Bent Grass Commercial Filing No. 2A. This lot is 1.457 acres and is proposed to be replatted into two commercial lots, one for a Dunkin Donuts and one to be sold for a future commercial development. These lots will be served by the Woodmen Hills Metropolitan District.

### Water Supply Demand

According to the submittal, the anticipated water demands are 1.96 acre-feet/year for commercial use for both lots.

### Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (District). According to the letter dated June 3, 2022, the District is committed to providing water and wastewater service to the commercial lots. Information available in our office from 2021 indicates the District's water supply totals approximately 1,426.5 acre-feet/year for a period of 300 years (or 987.5 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,211 acre-feet/year committed to supplying subdivisions and replacement obligations. The uncommitted annual water supply of 215.5 acre-feet/year is more than the estimated annual demand of 1.96 acre-feet/year 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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 1.96



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

Please contact Wenli Dickinson at (303) 866-3581 x8206 or at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) with questions.

Sincerely,

Handwritten signature of Wenli Dickinson in cursive, followed by the word "for" in a smaller font.

Ioana Comaniciu, P.E.  
Water Resource Engineer

Ec: Subdivision File No. 30876  
Woodmen Hills Metro District File  
Upper Black Squirrel Ground Water Management District