



COLORADO

Division of Water Resources

Department of Natural Resources
Colorado Ground Water Commission

August 27, 2020

Ryan Howser
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Estates at Rolling Hills Ranch Filing No. 2
PUDSP204 and SF2018
Part of the NW ¼, 20 T12S, R64W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Mr. Howser:

We have reviewed your August 10, 2020 submittal concerning the above referenced proposal for the development of 117 acres into 98 single family lots and tracts for landscaping, open space and utilities.

Water Supply Demand

According to the Water Supply Information Summary, the total estimated water demand is 32.5 acre-feet/year.

Source of Water Supply

Meridian Service Metropolitan District (“District”) is the proposed water supplier. The District has provided a letter dated June 8, 2020 committing to serve the 98 lots within the proposed Estates at Rolling Hills Ranch Filing 2 subdivision at the estimated demand of 32.5 acre-feet per year. The subdivision lies within the allowed place of use of the District’s water supplies.

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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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 rights total approximately 2,088 acre-feet/year for a period of 300 years (1,888 acre-feet/year from bedrock aquifers and 200 acre-feet/year from the alluvial aquifer), and it has approximately 1,671 acre-feet/year committed to supplying subdivisions and 30.2 acre-feet/year committed to replacement obligations, for a total commitment of 1,701 acre-feet/year.

The uncommitted annual water supply of 387 acre-feet/year is more than the estimated annual demand of 32.5 acre-feet/year for Estates at Rolling Hills Ranch, Filing No. 2.

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 decree, 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.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Keith Vander Horst
Chief of Water Supply, Designated Basins

cc: Upper Black Squirrel Creek GWMD