



November 19, 2018

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Hannah Ridge at Feathergrass Filing No. 7
Final Plat
Sec. 32, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 21286

To Whom It May Concern:

We have received your submittal concerning the above-referenced proposal to subdivide a 13.71 +/- acre tract of land into 81 parcels. A letter of intent was included with the submittal, which indicates that the tract of land consists of 15.40 acres. The proposed Hannah Ridge at Feathergrass Filing No. 7 is a replat of Tract LL, Hannah Ridge at Feathergrass Filing No. 1. Proposed Filing No. 7 was previously called Phase 8 in the preliminary plat and Phase 7 in subsequent correspondence. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District (“Cherokee”).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provides an estimated water demand of 0.42 acre-feet per year per lot for 81 lots for a total estimated water demand of 34.02 acre-feet per year.

Please note that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water is to be served by Cherokee, and an August 17, 2018 letter of commitment was included with the submittal. According to the letter, a 76 acre-feet per year source of water was purchased by Sand Creek Investments North, LLC for Hannah Ridge at Feathergrass Phase 2 subdivisions, which includes Filings No. 5, No. 6, and No. 7.

The source of water is 76 acre-feet per year of Tipton Water, as documented by the December 4, 2006 “Water and Sewer Service Agreement” between Cherokee and Sand Creek Investments North, LLC. The 76 acre-feet is part of 225 acre-feet of fully consumable and exportable water adjudicated to the Tipton Well in Colorado Ground Water Commission Case No. 91GW01, for use and export outside of the Upper Black Squirrel Creek Designated Ground Water Basin.

However, a portion of that water has already been committed to previous filings of Hannah Ridge at Feathergrass. The proposed source of water for previous filings was to be served by Cherokee, using two sources of water that were purchased by Sand Creek Investments North,



LLC or Hannah Ridge at Feathergrass, including the Tipton Water and 60.5 acre-feet per year of the Kane Water Right, as documented by the October 11, 2006 “Water and Sewer Service Agreement” between Cherokee and Sand Creek Investments North, LLC.

Additional Comments

Should the development include construction and/or modification of any storm water structures, the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available on the Colorado Division of Water Resources website at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer’s Office Opinion

At this time, it appears that Cherokee has 136.5 acre-feet per year of obligation to deliver for the proposed development. This amount of water satisfies the total estimated demand of 19.95 acre-feet/year for Filing No. 1 (which has been reduced from this office’s comments dated September 19, 2013), 16.38 acre-feet/year for Filing No. 2 (comments from our office dated August 10, 2015 were previously provided), 1.68 acre-feet/year for Shops at Feathergrass Filing No. 1 (comments from our office dated January 21, 2014 were previously provided), 19.11 acre-feet/year for Filing No. 3 (comments from our office dated May 31, 2017 were previously provided), 21.84 acre-feet/year for Filing No. 4 (comments from our office dated June 14, 2017 were previously provided), 26.31 acre-feet/year for Filing No. 5 (comments from our office concurrently provided), and 17.68 acre-feet/year for Filing No. 6 (comments from our office concurrently provided). An October 15, 2018 letter of commitment for Filing No. 5 dedicates an additional 0.62 acre-feet/year, which leaves 14.17 acre-feet per year of obligation for future filings in Hannah Ridge at Feathergrass.

Therefore an additional 19.85 acre-feet per year of water would be required to satisfy the estimated water demand of 34.02 acre-feet/year for Filing No. 7 (the subject of this submittal).

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that until evidence is provided which secures 19.85 acre-feet per year of additional water needed to meet the estimated demand of Filing No. 7, **the proposed water supply for Filing no. 7 of Hannah Ridge at Feathergrass cannot be provided without causing injury to decreed water rights and is not expected to be adequate.**

The Sweetwater Wells (from which the Kane Water Right is withdrawn from) and the Tipton Well (from which the Tipton Water is withdrawn from) are constructed into the Quaternary alluvium, which is considered to be annually renewable with no administrative life span. The long term adequacy of any ground water source may be subject to fluctuations due to hydrological and climatic trends.

Should you have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "K. Fuller". The signature is written in a cursive style with a large initial "K" and a clear "Fuller" following.

Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)
Kathy Trask (via email)