



April 22, 2026

Kylie Bagley
El Paso County Planning and Community Development
Transmission via EDARP portal

**Re: Owl Marketplace Filing No. 1 Vacation and Replat EA21191 VR2321
Sec. 1, T13S, R65W of the 6th PM
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Groundwater Basin
CDWR Subdivision No. 34291**

Dear Kylie Bagley:

We have reviewed your submittal concerning the above referenced proposal vacate two parcels known as lots 14 and 15 in Falcon Ranchettes that collectively comprise 9.6 acres and replat them as 4 commercial lots (Owl Marketplace Filing No. 1) and one residential lot (Owlet Place Filing No. 1 Subdivision Exemption). Our office had previously commented on the referral in a letters dated November 8, 2023 and September 20, 2024; this letter supersedes the previous letters.

Water Supply Demand

According to the April 2024 revision of the Water Resources Report in the submittal, the proposed uses and estimated water requirements for the five lots are as follows:

- Four lots will require a total of 4.88 acre-feet per year, based on a planning value of 3 Single Family Equivalents (SFE) per commercial parcel established



for the area.

- One lot (Falcon Ranchette Lot 14: now Owlet Place Subdivision Exemption) will remain a residential site, served by an existing well with permit no. 315870.

Source of Water Supply

Information in our files indicates the district has approximately 369.1 acre-feet per year of Denver Basin ground water available for additional commitments.

The Woodmen Hills Metropolitan District (“District”) is the proposed water supplier and a letter dated May 2, 2024 committing to serve the subdivision was included in the referral material.

Information available in our office from February 2024 indicates the District’s water supply totals approximately 1,586.55 acre-feet/year for a period of 300 years (or 1147.55 acre-feet/year from bedrock aquifers and 439.00 acre-feet/year from the alluvial aquifer)¹, and it has approximately 1,217.4 acre-feet/year committed to supplying subdivisions and replacement obligations, including Owl Marketplace Filing No. 1 subdivision’s estimated water demand of 4.88 acre-feet/year. The uncommitted annual water supply of 369.1 acre-feet/year indicates there is more water available than the estimated annual demand for the Owl Marketplace Filing No. 1 Subdivision.

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

¹ These amounts do not include the water from determination of water right nos. 503-BD, 504-BD, and 505-BD since the place of use of these water rights does not include land located in the District’s service area and a deed showing the district owns these water rights was not provided. These amounts also do not include the water from determination of water right nos. 1312-BD, 1313-BD, and 1314-BD since a deed showing the district owns these water rights was not provided.

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 4.88acre-feet for this development. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Well permit no. 315870 was issued for a well on a tract of 5 acres known as Lot 14, Falcon Ranchettes Subdivision to withdraw 0.5 acre-feet per year from the Denver aquifer for domestic purposes inside one single family dwelling, the watering of the user’s own non-commercial domestic animals and the irrigation of not more than 3,000 square-feet of lawn and garden. Upon approval of Owlet Place Filing 1 Subdivision Exemption, the parcel on which the well will be located will no longer include the full 5 acres considered at the time the permit was issued. Therefore, the well has the potential to create conflict with it’s continued legal operation. **Our office recommends, with regards to Owlet Place Filing 1 Subdivision Exemption,**

the well must be re-permitted consistent with the size of the lot on which the well is located.

State Engineer's Office Opinion

Based upon the above and pursuant to section 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 for Owl Marketplace Filing No. 1 is **adequate** and can be provided **without causing injury** to existing 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 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 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 Water Resources Report by RESPEC dated April 2024 (“Report”), the District claims water associated with Determination of Water Right nos. 503-BD, 504-BD and 505-BD. According to those determinations, the place of use of the water is limited to the 54.9 acres of overlying land further described in the determinations. Such water should be removed from the available water supplies until such time as the place of use of the water is changed to allow use within the District. The District should also provide information showing the water rights associated with Determination of Water Right nos. 503-BD, 504-BD, 505-BD, 1312-BD, 1313-BD and 1314-BD were transferred to the District.

Should you have any questions, please contact me at ailis.thyne@state.co.us or at 303-866-3581 ext. 8216.

Sincerely,

A handwritten signature in blue ink that reads "Ailis A. Thyne".

Ailis Thyne, P.E.

Water Resources Engineer, Team 237

Ec: Well Permit no. 315870