



July 7, 2022

Kari Parsons, Project Manager  
Elbert County Community & Development Services  
Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com/>

**Re: Latigo Trails Filing No. 9 (Final Plat) - 2<sup>nd</sup> Letter  
Case No. SF2136**  
Part of the W ½ of Sec. 16, Twp. 12S, Rng. 64W, 6<sup>th</sup> P.M.  
Upper Black Squirrel Creek Designated Basin  
Water Division 2, Water District 10

Dear Kari Parsons:

We have reviewed the above-referenced proposal for the Final Plat of Latigo Trails Filing No. 9, which will create 39 single-family lots on 107 acres in the W ½ of Sec. 16, Twp. 12S, Rng. 64W, 6<sup>th</sup> P.M. The entire Latigo Trails development consists of several phases on 1,027 acres. This letter supersedes the letter dated November 10, 2021 from this office.

### Water Supply Demand

According to the June 23, 2022 Letter of Intent (“Letter”), the estimated water demand for the filing is 13 acre-feet/year for household use, including irrigation for all 39 lots.

However, according to Table 2 of the Water Resources Report prepared by Tech Contractors dated June 2022 (“Report”), the estimated water demand of Filing No. 9<sup>1</sup> is 12 acre-feet/year.

These estimates are supposedly based on 0.31 acre-feet/year per residential home including outside irrigation.

### Source of Water Supply

According to the June 23, 2022 will serve letter (“Letter”), the Meridian Service Metropolitan District (MSMD) is committed to serving Filing No. 9. MSMD provides water to the Latigo Trails development as an out of district user per a 2001 Intergovernmental Agreement to provide water service to a maximum of 292 single-family equivalents (SFEs).

According to the Letter, MSMD currently services the other Latigo Trails filings with a current demand of 49.2 acre-feet/year (including Filing No. 9), Meridian Ranch with a current demand of 1,582 acre-feet/year, and has entered into a perpetual lease to provide 85 acre-feet/year to the Paint Brush Hills Metropolitan District (“PBHMD”), for a current demand on MSMD of 1,729 acre-feet per year.

However, these amounts are inconsistent with the amounts shown on Table 2 of the Report. According to the Report, MSMD currently services Latigo Trails, the Meridian development, has a

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<sup>1</sup> The Report is for Filing No. 9 but Filing No. 10 is referenced numerous times in the Report. It is not clear if the reference for Filing No. 10 is a typo in some places or not.



perpetual lease with PBHMD, and a lease with El Paso County for Falcon Regional Park for 25 acre-feet/year, for a total current demand of 1,669 acre-feet/year and a projected demand of 2,033 acre-feet/year at full build out.

Additionally, our office has information previously provided by MSMD that committed the district to supplying Meridian Ranch Filing No. 5 and the Estates at Rolling Hills Ridge, which the Letter appears to omit. It is not clear if those developments were approved and if MSMD is still committed to serving them. Lastly, the total estimated demand provided in the Letter appears to omit MSMD's 25 acre-feet/year lease with El Paso County for Falcon Regional Park. **Prior to further review, the applicant must clarify the current demand on MSMD.**

MSMD obtains their supply from nontributary Denver Basin bedrock aquifer wells and alluvial wells which withdraw groundwater under various determinations of water rights or final permits owned and controlled by MSMD at Meridian Ranch, Guthrie Ranch, Latigo Trails, and Hart Ranch, summarized in Table 3 of the Report. According to the Letter, MSMD owns water rights in the amount of 6,088 acre-feet/year based on a 100-year supply, or 2,163 acre-feet/year based on a 300-year supply. However, the Report states that the amount of water available to MSMD is 5,979.4 acre-feet/year<sup>2</sup> based on a 100-year supply, or 2088 acre-feet/year<sup>3</sup> based on a 300-year supply. Additionally, information available to our office shows that MSMD has 5,865-acre-feet/year based on a 100-year supply or 2,088 acre-feet/year based on a 300-year supply.<sup>4</sup> Lastly, according to information available to our office, the replacement obligations for Determination of Water Right nos. 157-BD, 570-BD, 228-BD, and 229-BD total 30.2 acre-feet/year, which do not appear to be accounted for in the district's current commitment calculations. Note that even though Determination of Water Right nos. 228-BD and 229-BD are included in the above calculations, they are not proposed as a supply source for Latigo Trails according to the Report. Since these amounts provided in the Letter, provided in the Report, and calculated by our office are inconsistent, **prior to further review, the applicant must clarify the amount of firm water supply available to the district and account for its replacement obligations in its calculations.**

The Letter states the uncommitted firm supply is 2,163 acre-feet/year minus the estimated demand of 1,729 acre-feet/year, which is 434 acre-feet/year. However since the basis for determining the current water demand on the district and firm supply was not clear, the amount of uncommitted firm supply is also unclear.

### **State Engineer's Office Opinion**

Based on the above and pursuant to section 30-28-136(1)(h)(II), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. **Prior to further review of the subdivision water supply plan the following information is required.**

1. The applicant must clarify current water demand on MSMD.

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<sup>2</sup> This amount includes the full allocations from 2099-BD and 2100-BD of which MSMD only controls half.

<sup>3</sup> This amount accounts for the alluvial well supply which does not have a volumetric limit and additionally accounts for MSMD's shares of 2099-BD and 2100-BD.

<sup>4</sup> These amount accounts for the alluvial well supply which does not have a volumetric limit and additionally accounts for MSMD's shares of 2099-BD and 2100-BD. These amounts additionally exclude the amount from 230-BD since no replacement plan has been approved for this allocation.

2. The applicant must provide a summary of the amounts of water rights owned and controlled by MSMD consistent with the allocations granted in the determinations of water rights, accounting for replacement obligations, and permitted amounts for well permits owned by MSMD.
3. The applicant must clarify the amount of uncommitted firm supply MSMD has available for future commitment and development.<sup>5</sup>

If you or the Applicant have any questions, please contact Wenli Dickinson at (303) 866-3581 x8206 or at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us).

Sincerely,



Joanna Williams, P.E.  
Water Resource Engineer

Ec: Referral No. 28921  
Keith Vander Horst, Chief of Water Supply, Designated Basins  
Upper Black Squirrel Ground Water Management District

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<sup>5</sup> Note that Item 3 can be satisfied by showing that MSMD currently has adequate water to supply all of its water commitments at full build-out.