



September 29, 2022

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

Re: Latigo Trails Filing No. 9 (Final Plat) - 3rd Letter
File #: SF2136
Part of the W ½ of Sec. 16, Twp. 12S, Rng. 64W, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Kyle Bagley:

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, 6th P.M. The entire Latigo Trails development consists of several phases on 1,027 acres. This letter supersedes the letter dated July 2, 2022 from this office concerning Filing No. 9.

Water Supply Demand

According to the June 23, 2022 Letter of Intent (“Letter”), the estimated water demand for the filing is **12 acre-feet/year** for household use, including irrigation, for all 39 lots. These estimates are based on an estimated demand of 0.31 acre-feet/year per residential home including outside irrigation.

Source of Water Supply

According to the July 18, 2022 will serve letter (“Letter”), 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.

According to the Letter, MSMD has commitments to provide water service to the following:

1. Meridian Ranch with a demand of approximately 1,606.2 acre-feet/year,
2. the other Latigo Trails filings with a demand of 34.7 acre-feet/year (not including Filing No. 9),
3. A perpetual lease to provide 85 acre-feet/year to the Paint Brush Hills Metropolitan District (“PBHMD”), and
4. A 25 acre-feet/year lease with El Paso County for Falcon Regional Park.

The total demand on MSMD is approximately 1,751 acre-feet/year. The additional demand of **Filing No. 9** brings the demand on MSMD up to approximately **1,763 acre-feet/year**.



According to the Letter and the July 2022 Water Resources Report (“Report”), the District owns and controls 5,865 acre-feet/year of water rights or **2,058 acre-feet/year¹ based on a 300-year supply**. 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 as summarized in Table 3 of the Report and below:

1. Meridian Ranch (Determination of Water Right nos. 154-BD, 155-BD, 156-BD, and 157-BD),
2. Guthrie Ranch (228-BD, 229-BD, 230-BD, and Final Permit nos. 612-RFP and 27554-FP),
3. Latigo Trails (568-BD, 569-BD, 570-BD, and 46406-F), and
4. Hart Ranch (2099-BD and 2100-BD).

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 of allocated Denver Basin aquifer water would be reduced to one third of that amount. The water supply available to MSMD of 2,058 acre-feet/year based on a 300-year supply is **greater** than the annual demand on MSMD of 1,763 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Therefore, **the uncommitted firm supply available to MSMD is 295 acre-feet/year**. Additionally, it is anticipated that the demand from Meridian Ranch at full build out will be 2,033 acre-feet/year which is less than MSMD’s available supply.

Well nos. 612-RFP and 27554-FP withdraw water from the Upper Black Squirrel Creek alluvial aquifer, which is currently considered to be a renewable source.

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 vested 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.

¹ This amount accounts for 30.2 acre-feet/year of NT and NNT-4% replacement obligations.

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 determinations of 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.

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

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Referral No. 28921
Upper Black Squirrel Ground Water Management District