



June 21, 2024

Ms. Lori Seago via e-mail only LoriSeago@elpasoco.com
Senior Assistant County Attorney

cc: Mr. Ryan Howser via e-mail only RyanHowser@elpasoco.com

Subject: Eagle Rising SP242 Water Sufficiency EPC Attorney Review Comments

Dear Ms. Seago:

I am responding to your June 12, 2024, Water Sufficiency review comments shown herein that were extracted from EDARP. Response explanations to your comments and questions are numbered and interlaced within the extract in blue.

Once you have reviewed, please let me know if you have any questions, otherwise please approve and let me know when you expect to release your findings and schedule us for the BoCC hearing.

Extract from EDARP 6/12/2024 County Attorney Comments

(1) The County Attorney's Office will review after receipt of findings from the Colorado Division of Water Resources.

[The Colorado division of Water Resources June 20, 2024 revise Water Sufficiency Finding letter has been uploaded to EDARP. Extract of Opinion is shown below.](#)

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 can be provided without causing injury to decreed water rights and is expected to be adequate.

For planning purposes 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 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.

(2) In addition, much of the WSIS and Water Resources Report (WRR) focuses on available supply rather than estimated demand. Please revise these documents to detail the estimated demand for the various uses anticipated and the bases for those estimates. Without that information, the County Attorney's Office cannot evaluate whether the estimate is reasonable and whether the supply is sufficient to meet that demand. It is not sufficient to simply cite the maximum available supply as the estimated demand, and in some instances the amounts and estimates don't add up.

[The demand is shown on Table 1 of the May 21, 2024 WRR that was uploaded to EDARP with all Appendices. Table 1 is shown below. Section 3.1 Water Demand Summary - Each lot is authorized by Colorado Water Court Decree to use 0.35 AF/year from Park Forest Water District for a total of 5.95 AF/year for 17 households. The residential use estimated demand is based on Chapter 8.4.7\(B\)\(7\)\(d\) of the El Paso County Land Development Code allocation of 0.26 AF/year per lot for indoor use and 0.06 AF/year/lot for household irrigation of 1000 sf outdoors for a](#)

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total of 5.4 AF/year demand for 17 households. PFWD supply of 5.95 AF/year significantly exceeds 5.4 AF/year estimated demand.

The well water demand and Evaporation will be addressed in response (3) and (4) below respectively.

Table 1 Summary of Expected Water Demand

Water Supplied by Park Forest Water District						
Central Water System				Well Water	Ponds Evaporation	Total Demand
	Annual Indoor Use /SFE 0.26 (AF/YR/SFE)	Annual Irrigation 0.06 (AF/1,000 SF)	Annual Total Indoor + Irrigation (AF)	Stock watering, Common area landscape irrigation, Hobby use and Irrigation of community gardens (AF)	Return Flow Credit (AF)	(AF)
# of SFEs	Note 1	Note 2	Note 3			
17	4.4	1.0	5.4	5.0	13.33	23.8

(3) For example, the WSIS notes an estimated demand of 5.0 annual AF to irrigate 10+ acres. The WRR states on p. 4 states, however, that 0.06 AF/year is the estimated demand to irrigate 1,000 sq. ft. per lot and is included in the estimated per lot demand of 0.32 annual AF. What else is proposed to be irrigated? Please specifically identify the actual water demands anticipated by this subdivision that might be supplied by that additional 5.0 annual AF. If community gardens are planned, where are they, how big will they be, and who will manage them?

The 0.32AF/year, (0.26 +0.06) is for the residential SFR lots as shown above. The 5.0 AF/year from the two wells (permits 203335 + 228940) are authorized for up to 5 AF/year which includes stock watering, common area landscape, garden irrigation, hobby use as shown on the table below. This is consistent with the WSIS. Extract shown below for convenience. Community gardens may be located on any lot by mutual agreement between the owner and Owner's Association. An existing community greenhouse and garden are located on Lot 7.

Well Water Demand

Use	Qty	Unit	Amt AF/Yr
Allowed irrigation uses	10 Acre	At 0.43	4.25
Stock Watering	68 Head	At 0.011	0.75
		Total	5.00

Extract from the WSIS

9. ESTIMATED WATER REQUIREMENTS		
USE	WATER REQUIREMENTS	
	Gallons per Day	Acre-Feet per Year
HOUSEHOLD USE # <u>17</u> of units	See Notes 1, 2 & 3	<u>5.4</u>
COMMERCIAL USE # _____ of S. F.		<u>N/A</u>
IRRIGATION # <u>10±</u> of acres	See Note 4	<u>5.0</u>
STOCK WATERING # <u>68</u> of head		
OTHER: Ponds Evaporation	See Note 4	<u>13.33</u>
Return flow credit		
TOTAL		<u>23.8</u>

(4) As another example, for the 13.33 annual AF available for return flow to augment pond evaporation, please estimate the annual evaporation anticipated from the 3 ponds. The intent is not for the County to limit the water uses or amounts, but compare the estimated demand of the various uses to the available supply.

In the Water Court Decree 2014CW3010, the calculated average annual net evaporative loss of 32 inches or 13.33 acre-feet for the 5 acres of ponder surface area was calculated for the 3 ponds. See paragraph 8. Page 5 of the decree which is Appendix C in the WRR. Extract below for convenience.

EXTRACT FROM WATER DECREE 2014CW3010

8. The District's current augmentation plan approved in Case No. 00CW18 allows the District to augment pond evaporation for certain ponds specifically identified in that decree. Paragraph 26 of that decree indicates that average annual net evaporative loss is 32 inches, or 13.33 acre-feet for 5 acres of pond surface area for the three (3) ponds identified above. Paragraph 46 of that decree also allows the District to add or delete ponds to be augmented so long as the ponds are located within the District's current service area boundaries. As the Eagle Rising ponds are now within the Park Forest boundaries, evaporative losses from these ponds will be augmented by the District's return flows consistent with paragraph 17 of the current plan decreed in Case No. 00CW18. The District does not seek new water storage rights for the pond structures in this case, and the District is simply replacing the evaporative loss from each pond.

Please let me know if you have any questions, otherwise please approve and let me know when you expect to release your findings and schedule us for the BoCC hearing.

Thank you in advance for your attention regarding this matter.

Respectfully submitted,

NEXT LEVEL DEVELOPMENT, INC.



Wayne M. Timura, P.E.
Principal