



September 25, 2026

Kari Parsons, Project Manager

El Paso County Development Services Department

Sent via online portal at: <https://epcdevplanreview.com>

Re: Schmidt PUD

File #: PUDSP264

Part of the NW ¼ of Sec. 32, Twp. 12 South, Rng. 65 West, 6th P.M.

Water Division 2, Water District 10

CDRW Referral No. 34798

Dear Kari Parsons:

We have received the above-referenced submittal to divide 72.9 acres into 270 lots including 48 attached single-family lots and 222 detached single-family lots of varying size and a density. Multiple tracts are proposed and intended for various uses including future development, utilities, parks, open-space, private roads, and stormwater detention. The water supply will come from Falcon Area Water and Wastewater Authority (FAWWA).

Water Supply Demand

According to the Water Supply Information Summary Sheet, the projected demand for 279 single-family units is 80.67 acre-feet per year. Along with, 9.17 acre-feet per year for irrigation for a total water demand of 89.84 acre-feet per year.

Source of Water Supply

The proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority. According to the letter dated August 6, 2026, the FAWWA is committed to serving the Schmidt subdivision with 89.84 acre-feet per year.



According to the Water Resources Report prepared by RESPEC dated August 2026 (“Report”), the FAWWA has a water supply of 1,960.33 acre-feet/year based on a 300-year supply. Therefore, as of August 2026, FAWWA has 713.41 acre-feet of water currently without commitments. There appears to be more than a sufficient legal water supply for this development on a 300-year basis.

FAWWA’s water rights consist of Denver Basin aquifer water adjudicated in Water Court case nos. 85CW131 (Shamrock West water), 86CW19, 91CW35, 93CW18/85CW445 (Bar-X Ranch water), 08CW113, 17CW3002, 18CW3002, and 20CW3059 and Determination of Water Right nos. 1689-BD, 1690-BD, and 1691-BD (McCune water), and 02CW3059. A summary of these water rights is provided in Table 3 of that Report. Because FAWWA anticipates serving 4,250 SFEs in 2040 and 7,776 SFEs in 2060, FAWWA may seek to connect with other water suppliers and investigate the use of lawn irrigation return flow (LIRF) credits and aquifer storage/recharge to increase its supply.

The proposed source of water for this subdivision is 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. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Additionally, according to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to 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 in the determinations 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 shown on attached Table 1 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 FAWWA’s commitments. As a result, the water may be withdrawn in those annual amounts for 300 years.

Additional Comments

The application materials indicate that a stormwater detention structure may be a part of this project. The applicant should be aware that unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., 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](#) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the [Colorado Stormwater Detention and Infiltration Facility Notification Portal](#) to meet the notification requirements.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 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 decreed 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 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 Division 2 Water Court 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 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.

Please contact Ailis Thyne at this office at ivan.franco@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco".

Ivan Franco, P.E.

Water Resources Engineer