



November 10, 2021

Kari Parsons, Project Manager  
Elbert County Community & Development Services  
Transmitted via the EPC EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Falcon Highlands Filing No. 3 Sketch Plan Amendment  
Case No. SKP214**  
Part of Sec. 12, Twp. 13S, Rng. 65W, 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 a major amendment to the Falcon Highlands Sketch Plan originally approved in 2004. The sketch plan encompassed 240 acres, most of which has been developed into single-family residential in Filing Nos. 1 and 2. The remaining area, approximately 114.1 acres, will be platted as part of Filing No. 3, for which this amendment seeks to increase the dwelling density to permit up to 400 single-family detached units and 23 acres of open space and drainage areas. This office previously provided comments on this sketch plan on February 10, 2011.

### Water Supply Demand

According to the Water Resource Feasibility Report dated October 2021 prepared by JDS-Hydro (“Report”), the range in estimated water demand is between 305 SFEs and 628 SFEs (single-family equivalents), for a mid-range estimate of 467 SFE. A specific water demand for the filing was not provided because the specific land use and number of lots has not yet been determined. The Applicant is using a conversion rate is 0.30 acre-feet/year per SFE based on current use data from the Falcon Highlands Metropolitan District (“District”). Therefore the estimated water demand based on the mid-range SFE value is 140.1 acre-feet. Prior to further review of the water supply plan the applicant must specify the water demand for the development.

### Source of Water Supply

The proposed water supply source is service provided by the Falcon Highlands Metropolitan District (“District”). A letter of commitment to serve this filing from the District was not provided.

According to the Report, the District owns and/or controls various Determinations of Water Rights water court decrees, summarized in Table 3.2 of the Report. The total supply available to the District based on a 300-year water supply is 213.16 acre-feet/year. Currently, the District has constructed the following wells as part of their supply: permit nos. 57949-F (Determination of Water Right Nos. 141-BD), 57950-F (Determination of Water Right No. 142-BD), and 66364-F (Div. 2 Case No. 83CW0134). The District did not provide information regarding its ownership or control of the groundwater rights decreed in Division 2 Water Court case no. 83CW133, 83CW134 or 83CW135; however the amounts from the 83CW135 decree were not included in the amount of firm supply available to the District in Table 3.2.



Based on previous information submitted to our office the District has current commitments of 200.9 acre-feet per year. This information is not consistent with the report which claims that there is a current commitment of 451 SFEs, which based on a 0.3 acre-feet/year SFE would be 135.3 acre-feet/year. Prior to further evaluation of the water supply plan the District must clarify the quantity of water they are currently committed to provide to existing and proposed developments, and provide the basis for those quantities.

A review of our records shows well permit no. 272880 may be located on the land area subject of this subdivision plan. Permit no. 272880 was issued March 6, 2007 for the historic domestic use of a well first put to beneficial use December 9, 1955 located in Sec. 12, Twp. 13S, Rng. 65W (previously permitted under 233-WCB). Upon approval of Falcon Highlands Filing No. 3, the well must either be plugged and abandoned or re-permitted as a large-capacity well pursuant to Determination of Water Right No. 143-BD.

### **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. Clarification as to whether well permit no. 272880 is located on the subject land, and if so if the well will be plugged and abandoned or re-permitted as a large-capacity well pursuant to Determination of Water Right No. 143-BD.
2. Clarification of the estimated water demand for Filing No. 3 that satisfies El Paso County's 300-year water supply requirement.
3. A commitment letter from the Falcon Highlands Metropolitan District to serve the Falcon Highlands Filing No. 3.
4. A complete summary of the water rights owned and controlled by the District and evidence of that ownership or control.
5. The present demand on the District and the anticipated demand due to commitments for service entered into by the District that are not yet supplied.
6. The amount of uncommitted firm supply the District has available for future commitment and development.

*Note that Items 4 and 5 can also be satisfied by showing that the District currently has adequate water to supply all of its water commitments at full build-out.*

### **Additional Comments**

According to the submitted material, stormwater detention structure(s) will be developed on the site. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject

to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

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,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" written in a larger, more prominent script than the last name "Williams".

Joanna Williams, P.E.  
Water Resource Engineer

Ec: Referral No. 28927  
Well permit no. 272880 file  
Keith Vander Horst, Chief of Water Supply, Designated Basins  
Upper Black Squirrel Ground Water Management District