



May 12, 2017

El Paso County Development Services Department
 2880 International Circle, Suite 110
 Colorado Springs, CO 80910-3127
 Sent via email: DSDcomments@elpasoco.com

RE: Claremont Commercial Subdivision, Filing No. 2
 Preliminary Plan
 Sec. 5, Twp. 14S, Rng. 65W, 6th P.M.
 Water Division 2, Water District 10
 CDWR Assigned Subdivision No. 24047

To Whom It May Concern:

We have received a referral concerning the above-referenced proposal to divide a 13.72 +/- acre tract of land into 16 lots. According to the submittal, the tract of land is described as Tract C, Claremont Business Park Filing No. 2, for which this office provided comments dated July 20, 2006, attached. Additionally, it appears this parcel was later included in Claremont Business Park Filing No. 3, which was proposed as a replat of Tract C, Claremont Business Park Filing No. 2 and Lot 2, Claremont Business Park Filing 1A, for which this office provided comments dated November 24, 2009, attached. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District (“Cherokee”).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, and the Water/Wastewater Report dated April 2017 included with the submittal provide an estimated demand 3.65 acre-feet/year as shown in the table, below.

Use	Amount (square feet)	Water Use Rate (gallons/day/acre)	Demand (acre-feet/year)
Commercial Space	27,207	2,000	1.4
Irrigation	70,654	200	0.36
Industrial/Warehouse	49,083	1,500	1.89
Total			3.65

It should be noted that standard water use rate, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, for lawn and garden irrigation is 0.05 acre-foot per year for each 1,000 square feet (1,944 gallons/day/acre), which is significantly higher than the water use rate used for irrigation in the Applicant’s estimate.

Source of Water Supply

The proposed source of water is to be served by Cherokee and a January 26, 2017 letter from Cherokee was included with the submittal. As stated in the letter:



In conclusion this is an Intent to Serve Letter, which provides you reasonable information on the District's facilities, water supplies, treatment capabilities and general ability to serve. However a Quantitative Commitment letter, required for final platting, will be provided once a water and sewer demand allocations are provide to the District.

According to this office's records, it appears that Cherokee has adequate water resources to serve the estimated demand of 3.65 acre-feet/year for the proposed development.

Additional Comments

The application materials indicate that the project will collect storm flows in an onsite drainage pond in the southwest corner of the development. The Applicant should be aware that, unless the proposed improvements to the existing storm water structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, 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*, available on DWR's website at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Claremont Commercial Subdivision No. 2 **cannot** be provided without causing injury to decreed water rights until a firm letter of commitment is provided by Cherokee which quantifies the amount of water Cherokee has committed to serve the proposed development. Additionally, should the water supply include a portion of the 58 acre-feet of Kane Water Right served by Cherokee for use in Claremont Business Park Filing Nos. 2 and 3, the letter of commitment from Cherokee must specify how the 58 acre-feet of Kane Water Right is allocated. According to this office's records, it appears that Cherokee has adequate water resources to serve the estimated demand of 3.65 acre-feet/year for the proposed development.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.
Water Resource Engineer

Attachments: July 20, 2006 Letter - Claremont Business Park Filing No. 2
November 24, 2009 Letter - Claremont Business Park Filing No. 3

cc: Steve Witte, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



July 20, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Carol Weber
El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80910

RE: Claremont Business Park Filing No. 2
Sec.s 5 & 8, T14S, R65W, 6th P.M.
Water Division 2, Water District 10

Dear Ms. Weber:

We have received additional information for the Claremont Business Park Filing No. 2 final plat (54 commercial lots on 60.139 acres). The subdivision is located outside the boundaries of the Upper Black Squirrel Creek designated Basin (UBSCDB).

The water for this proposal is 58 acre-feet of the Kane Water Right water owned by Claremont Development, Inc., purchased from PLW, Inc. Submitted in support of this claim is a contract for 58 acre-feet of the Kane Water Right, dated June 23, 2006. The Kane Water Right consists of a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee Metropolitan District (Cherokee). The Kane Water Right is not viewed by this office as a commitment from Cherokee, but as a pre-existing "first-in-line" delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. This filing requires 43.6 acre-feet (300 year supply) and the remaining 14.4 acre-feet per year will be reserved for future development.

Pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's Office offers the opinion that the proposed water supply will not cause material injury to existing water rights and that the supply is adequate. Should you have any questions, feel free to contact this office.

Sincerely,

Dick Wolfe, P.E.
Assistant State Engineer

cc: Division 2
Cherokee Metro District
Cherokee Metro. Dist. File
UBSCDB (Andy Jones & Rich LiPuma)
Jim Culichia
Rodney Preisser
Subdivision File
HCF:Claremont business park 2



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Bill Ritter, Jr.
Governor

James B. Martin
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

November 24, 2009

Tony Deconinck
El Paso County Planning Dept.
2880 International Cir., Ste 110
Colorado Springs, CO 80910

Re: Claremont Business Park Filing 3
Secs. 5 & 8, T14S, R65W, 6th P.M.
Water Division 2, Water District 10

Dear Mr. Deconinck:

We have received the above referenced proposal to subdivide 16.65 acres into 10 commercial lots. The subdivision is located outside the boundaries of the Upper Black Squirrel Creek designated Basin (UBSCDB). Neither the Water Supply Information Summary Form nor a water supply report was submitted.

This proposal is to replat Tract C of Claremont Business Park Filing No. 2 and Lot 2 of Claremont Business Park Filing 1A. This office does not have a record of providing a positive comment on Filing 1 or 1A. Filing 2 was approved using 58 acre-feet of the Kane Water Right water owned by Claremont Development, Inc., purchased from PLW, Inc. Submitted in support of this claim is a contract for 58 acre-feet of the Kane Water Right, dated June 23, 2006. The Kane Water Right consists of a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee Metropolitan District (Cherokee). The Kane Water Right is not viewed by this office as a commitment from Cherokee, but as a pre-existing "first-in-line" delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. This filing requires 43.6 acre-feet (300 year supply) and the remaining 14.4 acre-feet per year will be reserved for future development.

At this time it is unclear what source of water from Cherokee is supplying Filing 1, whether it's part of the Kane Water or some other portion of Cherokee's supply. The applicant should provide a breakdown of what water is supplying Filings 1, 2, & 3.

Based upon the above and pursuant to Section 30-28-136(1)(h)(II), it is our opinion that the District has not submitted sufficient evidence documenting that the proposed water supply can be provided without causing injury to existing water rights.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

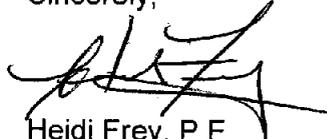
www.water.state.co.us

Mr. Tony Deconinck
November 24, 2009

Page 2

Should you have any questions, please contact me at 303-866-3581.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Frey', written over a horizontal line.

Heidi Frey, P.E.
Water Resource Engineer

cc: Steve Witte, Division Engineer
Water Supply Branch

HCF:word/Claremont business park f3