



January 10, 2023

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Retreat at TimberRidge Subdivision Filing 3
Sec. 27 and 28, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 3057

To Whom It May Concern,

We have received the submittal concerning the above referenced proposal to subdivide a 44.578± acre tract of land into 33 new lots. Our records indicate that there are no existing wells located on the property. The proposed supply of water to the subdivision will be individual on-lot wells for 3 of the lots, with wastewater being disposed of through individual on-lot septic disposal systems (“rural lots”, previously a portion of “Phase 3”); along with 30 lots served by the Falcon Area Water and Wastewater Authority (FAWWA) (3 “rural” lots and 27 “urban lots”, previously “Phase 4” and a portion of “Phase 6”).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal estimates a demand of 11.649 acre-feet for all intended uses in the subdivision. This includes 0.353 acre-feet/year/household for lots served by single family wells and septic (1.059 acre-feet/year total) and 0.353 acre-feet/year/household for lots served by a central system (10.59 acre-feet/year total)

Source of Water Supply

For the rural lots (Lots 1-3), the anticipated source of water is to be provided by on-lot wells producing from the Dawson aquifer that will operate pursuant to augmentation plans decreed by the Division 2 Water Court. The application documents list case nos. 18CW3002 and 16CW3035, however case no. 16CW3035 is for an unrelated property. The augmentation plan decreed by the Division 2 Water Court in case no. 18CW3002 uses water adjudicated in Case No. 17CW3002.

According to the decree entered by the Division 2 Water Court in case no. 17CW3002, the following amounts of water shown in Table 1, below, were determined to be available underlying the 225.97 acre property that includes the 44.578 acre property that is the subject of this proposal.



Table 1

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	12,202	122.0	40.7
Denver	NNT	11,909	119.1	39.7
Arapahoe	NT	9,796	98.0	32.7
Laramie-Fox Hills	NT	6,440	64.4	21.5
Total		40,347	403.5	134.6

The plan for augmentation decreed in Division 2 Water Court case no. 18CW3002 allows for diversion of 9.32 acre-foot annually from the Dawson aquifer for a maximum of 300 years, or 0.32 acre-foot/year per lot. **This is less than the estimated demand of 0.353 acre-foot/year per lot.**

The proposed source of water for this subdivision is a bedrock aquifer 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. 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 is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

In the El Paso County Land Development Code, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“-Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (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 three hundred years, the annual estimated demand for rural lots being served by on-lot wells at the Retreat at TimberRidge Filing 3 is 0.96 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

For the rural and urban lots (Lots 4-33), the source of water is to be served by the Falcon Area Water and Wastewater Authority (“FAWWA”). A letter of commitment dated April 1, 2021 from Sterling Ranch Metropolitan District (predecessor to FAWWA) was provided with the referral materials. It commits to providing 58.95 acre-feet annually to the entire Retreat at TimberRidge subdivision.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) 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 online at: https://dnrweblink.state.co.us/dwr/0/edoc/3576581/DWR_3576581.pdf?searchid=978a5a31-ddf9-4e09-b58c-a96f372c943d, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

At this time, it appears that FAWWA has 58.95 acre-feet per year of obligation to deliver for the proposed development, The Retreat at TimberRidge. The Preliminary Plan estimated a demand of 58.95 acre-feet per year that would be supplied from the central system, of which 20.827 acre-feet/year is committed in Filing 1, 27.53 acre-feet/year is committed in Filing 2, and 10.59 acre-feet/year is committed in Filing 3, the subject of this submittal.

Based on the above, and pursuant to CRS 30-28-136(1)(h)(I), it is our opinion that the proposed water supply can be provided without causing material injury to decreed water rights, and is **adequate**, so long as the plan for augmentation is operated according to its decreed terms and 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 is greater than the annual amount of water required to supply 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 decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in the subject Division 2 Water Court cases were calculated based on estimated current aquifer conditions. 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. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

Should you or the applicant have questions regarding any of the above, please contact me at this office.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Rachel Zancanella, Division 2 Engineer
Jacob Olson, District 10 Water Commissioner