



COLORADO
Division of Water Resources
Department of Natural Resources

October 19, 2020

Ryan Howser
El Paso County Development Services Department
e-mail: DSDcomments@elpasoco.com

Re: 7615 McLaughlin Road Development (Lot 4 Woodmen Hills Filing No. 7) - SF2022
Portion of the SE1/4 of the SW1/4 of Section 6, T13S, R64W, 6th PM
Upper Black Squirrel Creek Designated Ground Water Basin
Upper Black Squirrel Creek Management District
Water Division 2, Water District 10

Dear Mr. Howser:

We have reviewed the above-referenced proposal to replat Lot 4 Woodmen Hills Filing No. 7 into three separate parcels; Lot #1 (34,796 square-feet) for future commercial development, Lot #2 (34,633 square-feet) for future commercial development, and Tract A (1,886 square-feet) intended for access to the west end of the exiting shopping center.

Water Supply Demand

Although a Water Supply Information Summary Sheet was included in the referral material, the total annual water demand was not identified. However, according to a letter dated October 1, 2020 from Woodmen Hills Metropolitan District ("WHMD or District") the estimated water demand is 1.050 acre-feet annually.

Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (District). The District has provided a letter dated October 1, 2020 committing service to the property.

The District's sources of water are a combination of bedrock aquifer allocations from the Denver Basin as well as alluvial sources. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. 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 determined 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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 the bedrock aquifer sources 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 amounts of water available from the bedrock aquifers that may be withdrawn from a maximum period of 300 years are equal to one-third of one percent of the total amount.

Information available in our files indicates the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 1,122 acre-feet/year.

The uncommitted annual water supply of 305 acre-feet is more than the estimated annual demand of 1.050 acre-feet for 7615 McLaughlin Road development.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I) and 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 on the subdivided land is 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 Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the relevant determinations and well permits, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, 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 100 years (or 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.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Ec: District 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD
SEO referral #27359

Sincerely,



Keith Vander Horst, P.E.,
Chief of Water Supply Designated Basins