



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

February 14, 2017

Kari Parsons
El Paso County Development Services Department
e-mail: DSDcomments@elpasoco.com

Re: Falcon Marketplace Preliminary Plan – SP-17-001
Section 1, T13S, R65W, 6th PM
Upper Black Squirrel Creek Designated Ground Water Basin
Water Division 8, Water District 10

Dear Ms. Parsons:

We have reviewed the above-referenced preliminary plan for subdividing 36.4 acres into 11 commercial lots.

Water Supply Demand

According to the submittal, the total annual water demand is 10.59 acre-feet for the eleven commercial lots.

Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (WHMD or District). The District has provided a letter dated November 17, 2016, "Commitment Letter for Falcon Marketplace," for 10.59 annual acre-feet.

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."

Office of the State Engineer

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Approximately 2,963 acre-feet/year of WHMD water supply comes from Denver Basin bedrock aquifers, based on a 100 year aquifer life. 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 allowed average annual amount of withdrawal of 2,963 acre-feet/year would be reduced to one third of that amount, or 988 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Approximately 439 acre-feet of the WHMD's supply is water produced from alluvial sources, which are currently considered to be renewable. Therefore, based on a 300-year aquifer life allocation, the WHMD has a potential annual water supply of approximately 1,427 acre-feet.

Records in our office indicate that WHMD's current commitments total 953.59 acre-feet per year, based on a 300-year aquifer life allocation.

The uncommitted annual water supply of 472.96 acre-feet is more than the estimated annual demand of 10.59 acre-feet for Falcon Marketplace.

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 aquifer, and identified in this letter, are 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 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 have any questions, please contact Neelha Mudigonda of this Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Vander Horst". The signature is written in a cursive, flowing style.

Keith Vander Horst, P.E.
Designated Basins Team Leader

cc: District 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD

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