



November 4, 2021

Kari Parsons, Project Manager
Elbert County Community & Development Services
Transmitted via the EPC EDARP Portal: epcdevplanreview.com

Re: Waterbury PUD Preliminary Plan - Amendment to Filings 1 & 2
Case No. PUDSP215
Part of the SE ¼ of Sec. 29, SW ¼ of Sec. 28, and NW ¼ of Sec. 33, T12S, R64W, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Kari Parsons:

We have reviewed the May 4, 2021 and October 21, 2021 above-referenced proposal for a Major Amendment to the existing PUD and for a combined PUD preliminary plan approval to develop 201 single-family residential lots for the Waterbury Subdivision Filing Nos. 1 & 2. The subject land area is 61.9 acres, of which 39.9 acres is single-family lots, located in the SE ¼ of Sec. 29, SW ¼ of Sec. 28, and NW ¼ of Sec. 33, T12S, R64W, 6th P.M. The application proposes a revised PUD, preliminary plan, and final plat of Waterbury Filing Nos. 1 & 2. This office previously reviewed the water supply plan for the Waterbury Preliminary Plan on May 2, 2013.

Water Supply Demand

According to the September 8, 2021 Water Resource Report (“Report”) prepared by HR Green LLC, the estimated water demand is 79.11 acre-feet/year for single-family residential and irrigation/park use (Table 1 of the Report) for Filing Nos. 1 & 2.

Source of Water Supply

The proposed water supply source is service provided by the 4-Way Metropolitan District No. 2 (“District”). According to the September 3, 2021 letter from the District provided in Exhibit 9 of the Report, the District is committed to serving Filings 1 & 2.

According to the Report, the 4-Way Ranch Partnership / Spring Creek LLC have entered into a perpetual lease with the District to provide the District with 610 acre-feet/year (based on a 300-year water supply) for the purposes of meeting the District’s demands. The lease provided in Exhibit 4 of the Report provides for 239,100 acre-feet of leased water (797 acre-feet per year based on a 300-year supply). The source of the 4-Way Ranch Partnership / Spring Creek LLC’s water supplies are nontributary Laramie-Fox Hills and Arapahoe wells which operate pursuant to Determination of Water Right Nos. 510-BD and 511-BD, respectively, which are summarized as follows:

- Determination of Water Right no. 510-BD allocated 2,429 acre-feet/year from the nontributary Laramie-Fox Hills aquifer allowing municipal use by 4-Way Ranch Metropolitan District and Woodmen Hills Metropolitan District on the 8,905-acre Overlying Land. According to the provided lease agreement the District has a perpetual lease for a total of 159,000 acre-feet of water allocated under Determination of Water Right no. 510-BD.
- Determination of Water Right no. 511-BD allocated 2,615 acre-feet/year from the nontributary Arapahoe aquifer allowing municipal use by 4-Way Ranch Metropolitan District and Woodmen Hills Metropolitan District on the 8,905-acre Overlying Land. According to the



provided lease agreement the District has a perpetual lease for a total of 80,100 acre-feet of water allocated under Determination of Water Right no. 511-BD.

The amount of uncommitted firm supply is not clear. The lease attached to the Report states that 797 acre-feet/year of supply is available to the District, however the report states that the District only has 610 acre-feet/year of supply available. In addition, based on a water supply plan that we recently reviewed for Grandview Reserve in El Paso County, a portion of the water allocated in Determination of Water Right no. 510-BD and 511-BD is in the process of being transferred to the Grandview Reserve Metropolitan District. Below is a table showing the amounts allocated under 510-BD and 511-BD and the amounts to be leased/contracted from each allocation according to information provided to this office.

	Amount Allocated (af)	Amount to be Leased/Contracted to Grandview Reserve (af)	Amount to be Leased/Contracted to Waterbury (af)	Amount Remaining (af)
Determination No. 510-BD	242,900	131,250	159,000	(47,350)
Determination No. 511-BD	261,500	140,000	80,100	41,400
100-year supply	5,044	2,713	2,391	-
300-year supply	1681	904	797	-

It is also unclear if the total commitment of 96.71 acre-feet per year stated in the Report includes all water commitments entered into by the District, including both developed lots and lots that will be developed in the future. Based on letters we drafted regarding the subdivision water supply plans for 4 Way Ranch Filing 1 and 2, the District had committed to provide water to those development in the amount of 95.4 acre-feet per year.

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. A complete summary of the water rights owned and controlled by 4-Way Metropolitan District No. 2 and evidence of that ownership or control.
2. The present demand on 4-Way Metropolitan District No. 2 and the anticipated demand due to commitments for service entered into by the district that are not yet supplied.
3. The amount of uncommitted firm supply 4-Way Metropolitan District No. 2 has available for future commitment and development.

Note that Items 2 and 3 can also be satisfied by showing that the district currently has adequate water to supply all of its water commitments at full build-out.

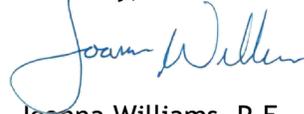
Additional Comments

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.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is written in a cursive style with a large initial 'J'.

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral No. 27684
Keith Vander Horst, Chief of Water Supply, Designated Basins
Upper Black Squirrel Ground Water Management District