



March 7, 2022

Ryan Howser, Project Manager
El Paso County Development Services Department
Transmitted via the EPC EDARP Portal

Re: Saddlehorn Ranch, Filing No. 2 (File # SF2133) - 2nd Letter
a.k.a. 824 Acre Curtis Road Subdivision
Parts of Sec. 3 and part of the N ½ N ½ of Sec. 10, Twp. 13S, Rng. 64W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ryan Howser:

We have reviewed the March 2, 2022 referral concerning the above-referenced proposal to subdivide 176 acres (of which 132 acres will be developed) located in Sec. 3 and the N ½ N ½ of Sec. 10, Twp. 13S, Rng. 64W, 6th P.M. into 42 single-family lots of approximately 2.5 acres each. This office previously provided comments on this filing on October 11, 2021.

This office previously provided comments on the entire 816.5-acre Saddlehorn Ranch Subdivision (File # SP196 and SF1912) on November 19, 2020, subdivision file no. 26492. The entire subdivision will consist of 608 acres of developed land, on which 218 single-family residential lots will be created. The remaining acreage will be preserved as open space for recreational purposes.

Water Supply Demand

According to the Letter of Intent prepared by William Guman & Associates Ltd (“Guman Letter”), the estimated water demand to serve all 218 the residential lots is 146.06 acre-feet per year. This water demand is based on an estimated 0.67 acre-feet/year demand per residential home.

The Water Supply Information Summary indicates the proposed water uses for Filing No. 2 include household use and stock watering. Table 1 of The Final Utility Report prepared by JR Engineering LLC dated June 4, 2021 (“Report”) estimates the average daily demand for the 42 residences of this filing at 24,990 gallons per day (28 acre-feet per year).

Source of Water Supply

The proposed water supplier is the Saddlehorn Ranch Metropolitan District (SRMD), which is a new metropolitan district pending approval from El Paso County. According to the letter from the SRMD to Nina Ruiz dated September 1, 2020, the district is committed to providing 146.06 acre-feet per year of water to meet the domestic needs of all 218 residential lots of the subdivision subject to the district’s rules and regulations.

The Water Resources and Wastewater Report for the Saddlehorn Ranch Subdivision Report (“Report”) revised September 2020 states that SRMD has 198.16 acre-feet/year in supply. According to the Guman Letter, SRMD has developed two nontributary Denver Basin wells as its water supply, presumably well permit nos. 85169-F and 85170-F:

1. Well permit no. 85169-F was issued March 1, 2021 pursuant to section 37-90-107(7), C.R.S. and the Findings and Order of the Colorado Ground Water Commission (“Commission”) dated March 3, 2004 for Determination of Water Right No. 458-BD. The well is permitted



to withdraw an average annual amount of 322.03 acre-feet per year from the nontributary Arapahoe aquifer.

2. Well permit no. 85170-F was issued March 1, 2021 pursuant to section 37-90-107(7), C.R.S. and the Findings and Order of the Commission dated March 3, 2004 for Determination of Water Right No. 457-BD. The well is permitted to withdraw an average annual amount of 277.97 acre-feet per year from the nontributary Laramie-Fox Hills aquifer. Both wells are permitted for the following uses: domestic, irrigation, commercial, industrial, recreational and livestock watering purposes.

Determination of Water Right Nos. 457-BD and 458-BD were approved for the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. According to the referral material, there will be fire protection and fire suppression water demand associated with the development that will be provided via the proposed central water system, which are not approved beneficial uses of the water allocated under the determinations. Additionally, the determinations do not allow municipal uses by the SRMD. If water from these determinations is proposed to be used for fire protection, fire suppression, and/or municipal purposes by SRMD, then amended determinations and new permits for the above referenced wells must be obtained prior to putting the water to such uses.

According to referral materials for File # SP196 and SF1912 referred to our office in November 2020, the portion of the water rights from Determination of Water Right Nos. 457-BD and 458-BD from quiet title granted by the El Paso District Court order entered in case no. 18CV30037 was conveyed via deed to the developer, ROI Property Group LLC. According to the letter dated February 2021 from the El Paso Office of the County Attorney, the portion of such water rights will be conveyed from ROI Property Group LLC to SRMD prior to the subdivision approval. However, evidence that the above water rights are owned or controlled by SRMD have not yet been provided.

State Engineer's Office Opinion

Based on the above and pursuant to section 30-28-136(1)(h)(I), C.R.S. and 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. Clarification on the proposed water uses for this filing and the subdivision.
2. A complete summary of the water rights owned and controlled by SRMD and evidence of that ownership or control.
3. The anticipated demand due to commitments for service entered into by SRMD that are not yet supplied.
4. The amount of uncommitted firm supply SRMD has available for future commitment and development.
5. A map of SRMD's service area.

Note that Items 3 and 4 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

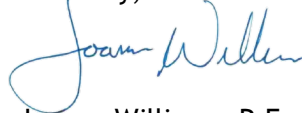
According to the submitted material, storm water detention structure(s) will be developed on the site. The applicant should be aware that, unless the structure can meet the requirements of a

“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.

Additionally, the letter of intent stated that water quality control ponds will be developed throughout the subdivision to mitigate impact to the wetlands. Construction details and liner information for the ponds were not provided. The ponds must be constructed in accordance with Colorado laws. If the ponds do not meet the requirements of a “storm water detention and infiltration facility” as referenced above, then such ponds would be subject to administration by this office. Additionally, the ponds would not be allowed to expose groundwater to evaporation without first obtaining a Commission approved replacement plan adequate to prevent any material injury to existing water rights.

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 fluid and cursive, with the first name "Joanna" being larger and more prominent than the last name "Williams".

Joanna Williams, P.E.
Water Resources Engineer

Ec: Subdivision File No. 28897
Water well permit file nos. 85169-F and 85170-F
Upper Black Squirrel Ground Water Management District