



April 24, 2025

Kari Parsons, Project Manager  
El Paso County Development Services Department  
Sent via online portal at: <https://epcdevplanreview.com>

**Re: Retreat at Prairie Ridge Phase 1, Filings 1, 2 and 3 (a.k.a. Jaynes)**  
**File No. SP239 (for the entire development) and SF259 (for Filing 2)**  
Part of Sections 28 and 33, Twp. 12 South, Rng. 65 West, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Referral Nos. 31142 - 4<sup>th</sup> Letter (for the entire development) and  
33939 (for Filing 2)

Dear Kari Parsons:

We have reviewed the information provided via email by John McGinn of RESPEC on the above referenced referral to subdivide 142.13 acres into 193 single-family lots, a community park, open space, detention facilities, and two future development tracts as part of Phase 1 of the Retreat at Prairie Ridge Preliminary Plan. Phase 1 is for the development of Filings 1, 2, and 3 which include the 193 single-family lots, whereas the two future development tracts will be platted in future filings.

We also reviewed the information provided on March 20, 2025 specifically for Filing 2. The proposed Filing 2 is for the development of 80.64 acres of the 142.13 acres and will include 141 single-family lots of the total 193 lots proposed for the development. The proposed source of water is service provided by the Falcon Area Water and Wastewater Authority (FAWWA). The comments provided in this letter supersedes the comments provided in the September 27, 2024 letter for the entire development.



### **Water Supply Demand**

The water demand for this development is 70.93 acre-feet/year for household purposes and irrigation, including irrigation of common areas, for all 193 lots. Also, the water supply for Filing 2 is estimated at 54.98 acre-feet/year for household purposes and irrigation, including irrigation of common areas, for all 141 lots.

### **Source of Water Supply**

The proposed source of water supply for all 193 lots (including 141 lot within Filing 2) is central service provided by the FAWWA including well no. 285607 which will be used for proposed Lot 6 within Filing 3, in accordance with the presumption of non-injury pursuant to section 37-92-602(3)(b)(IV) as identified in case no. 24CW3007. The Dawson aquifer water underlying the subject property was decreed in case no. 07CW56 and included as part of the FAWWA's Well Field in case no. 23CW3009, and recently approved augmentation in case no. 24CW3007.

According to the previous information received in this office, the FAWWA is committed to providing the 70.93 acre-feet/year of water required by all 193 lots and miscellaneous landscaping.

FAWWA has a water supply of 1,962.03 acre-feet/year based on a 300-year supply consisting of Denver Basin aquifer water adjudicated in Water Court case nos. 85CW131 (Shamrock West water), 86CW19, 91CW35, 93CW18/85CW445 (Bar-X Ranch water), 07CW56 (augmentation plan approved in 24CW3007), 08CW113, 17CW3002, 18CW3002, 20CW3059, 23CW3009 (Well Field and Augmentation Plan), and Determination of Water Right nos. 1689-BD, 1690-BD, and 1691-BD (McCune water). A summary of these water rights was provided to this office on April 24, 2025.

Based on information provided as part of Filing 2, FAWWA has 1,105.33 acre-feet/year based on a 300-year supply in commitments as of March 3, 2025, resulting in 856.73 acre-feet/year based on a 300-year supply of uncommitted supply.

### Allocation Approach

The proposed source of water for this subdivision is bedrock aquifers 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. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. According to section 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." Additionally, according to section 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 allocated in the decrees and determinations are equal to one percent of the total amount, as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7) and 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 shown on attached Table 1 for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 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 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount

or 1,962.05 acre-feet/year, which is greater than the annual demand of FAWWA's commitments of 1,105.33 acre-feet/year. As a result, the water may be withdrawn in those annual amounts for 300 years. Therefore, there appears to be sufficient legal supply to serve this development on a 300-year basis.

Well Nos. 34030 and 285607

According to the current information provided well permit no. 34030 was plugged and abandoned. A well abandonment was submitted to this office on September 26, 2024 therefore this office has no additional comments on this well.

Well permit no. 285607 is proposed to continue to operate upon subdivision approval and serve one of the rural lots in accordance with the presumption of non-injury pursuant to section 37-92-602(3)(b)(IV) as identified in case no. 24CW3007. Specifically, the well is proposed to be used on the new Lot 6, within Filing 3. With the adoption of Senate Bill 20-0155 on July 2, 2020, section 37-92-602(3), C. R. S. was amended to allow an existing exempt well to retain its presumption of non-injury after the land on which the well is located has been subdivided, subject to the following requirements:

1. The existing well permit no. 285607 may only be used on the new Lot 6, within Filing 3; not shared between any of the new lots and must be the only exempt well serving the new Lot 6, within Filing 3. It is recommended that this restriction be included in the plat notes for this subdivision.
2. The well must continue to be used in accordance with its permitted terms and conditions.
3. No additional exempt well permits would be allowed to be constructed on or to claim the land area encumbered by well permit no. 285607, which encumbers 35.121 acres described as that portion of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 28, Twp. 12 South, Rng. 65 West, 6th P.M. It is recommended that this restriction be included in the plat notes for this subdivision.

### **Additional Comments**

The application materials indicate that stormwater detention structure(s) may be part of this project. The Applicant should be aware that unless the structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure(s) 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](#) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the [Colorado Stormwater Detention and Infiltration Facility Notification Portal](#) to meet the notification requirements.

### **State Engineer’s Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply for the Retreat at Prairie Ridge Phase 1, Filings 1, 2 and 3 is adequate and can be provided without causing injury to decreed water rights **provided for Filing 3:**

**Well permit no. 285607 will be the only well supplying the new rural Lot 6 within Filing 3; the well must be operated under the terms and condition of the well permit; and no other exempt wells may be allowed to be constructed on or to claim the land area encumbered by well permit no. 285607. If the well does not meet these requirements, then well no. 285607 must be covered by a court-approved augmentation plan or else be plugged and abandoned.**

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 Water Court and Ground Water Commission have retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, 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. 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.

Please contact me at this office (303) 866-3581 x8246 or at [ioana.comaniciu@state.co.us](mailto:ioana.comaniciu@state.co.us) with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ioana Comaniciu", written in a cursive style.

Ioana Comaniciu, P.E.

Water Resource Engineer

Attachments-Table 1 SEO Calculation of FAWWA Supplies

Ec: Permit nos. 285607 and 34030 files

