



SB2023-103
EXHIBIT
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April 11, 2024

Eric Pavlinek, Principal Planner
Douglas County Community Development & Planning Services
Transmitted via email: epavlinek@douglas.co.us

RE: Canyons South Filing 4
Project File #: SB2023-036
Part of Sec. 19 and part of the W 1/2 of Sec. 20, Twp. 7 South, Rng. 66 West, 6th P.M.
Water Division 1, Water District 8
CDWR Assigned Subdivision File No. 31110 - 4th Letter

Dear Eric Pavlinek:

We have reviewed the re-referral and additional information provided April 8, 2024 regarding the above-referenced subdivision to create 153 residential lots, 1 superblock, and 6 tracts on 520 acres. The superblock will be part of a future development plan. The proposed water supply is service provided by the Town of Castle Rock. The comments in this letter supersedes the comments dated March 8, 2024.

The subject referral is part of Canyon South Planned Development which encompasses 968 lots on 1,200 acres. So far, the following lots have been recorded: Filing 1A 1st Amendment with 304 lots on 388 acres, Filing 1A 2nd Amendment with a tract for the amenity center, Filing 1A 3rd Amendment with 39 lots on 234 acres, Filing 2 with 200 lots on 819 acres, and Filing 3 with 90 lots on 188 acres.

Water Demand

The domestic water demand for the residential lots is 400 gallons/day per single-family residence, which this office calculates is approximately 68.55 acre-feet/year for all 153 lots.

Source of Water Supply

The proposed water supply is service provided by the Town of Castle Rock (“Castle Rock”). A will serve letter dated May 22, 2023 from Castle Rock commits to providing water and wastewater service to the development subject to the terms and conditions set forth in that letter.

According to the Report on Castle Rock Water Service to Canyons South Planned Development dated July 5, 2019 (“Report”), Castle Rock has 38,743.3 acre-feet of nontributary Denver Basin groundwater and 9,974.1 acre-feet of not-nontributary Denver Basin groundwater available (48,717.4 acre-feet total). According to the Report, the current Denver Basin Groundwater infrastructure allows for the pumping of 18,469 acre-feet/year of groundwater. Castle Rock also has additional supplies including 834 acre-feet of firm yield from the alluvial well system along East Plum Creek, 606 acre-feet of senior native water rights on East Plum Creek, junior water rights, and 1,000 acre-feet of WISE water. In addition, Castle Rock has lawn irrigation return flows and reuse supplies. As of the date of Castle Rock’s Report, the existing and future



demand ranged between 11,800 and 23,500 acre-feet/year and the current demand has averaged 7,802 acre-feet/year over the last several years.

The majority of the District's water supply is water from 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. 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." Based on this allocation approach, the annual amounts of water decreed 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. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

A review of our records shows permit nos. 35008 and 90929 located on the subject property. Based on the depths, well no. 35008 is likely constructed in the alluvium and 90929 is likely constructed in both the nontributary Upper Dawson and nontributary Lower Dawson aquifer. The wells are currently located on Lot 201 of the Canyons South Filing No. 2. The Applicant's response indicates that both wells will be located on the proposed superblock part of Filing No. 4. Section 37-92-602(3)(b)(III), C.R.S. requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. Therefore, these wells must be included in an augmentation plan or must be plugged and abandoned upon subdivision approval since the provisions of section 37-92-602, C.R.S. which allowed for issuance of the well permits will no longer apply. The Applicant has indicated that well nos. 35008 and 90929 will be plugged and abandoned upon recordation of the final plat.

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 is **adequate** and can be provided **without causing injury** to decreed water rights so long as well nos. 35008 and 90929 will be plugged and abandoned upon recordation of the final plat. Well Abandonment Reports (form GWS-09) must be submitted for well permit nos. 35008 and 90929 to affirm the wells were 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 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 Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, 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 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 Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Permit nos. 35008 and 90929