



March 14, 2022

Kathleen Hammer  
Arapahoe County Public Works - Planning Division  
Transmitted via email:  
[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)

RE: Caliber at Copperleaf  
Case nos. FDP21-005 and PF21-007  
NE1/4, Sec. 12, T5S, R66W, 6th P.M.  
Water Division 1, Water District 2

Dear Mr. Skinner:

We have reviewed the additional information received by this office on March 10, 2022 regarding the above referenced referral. The applicant is proposing a 9.26 acre residential development consisting of multi-family structures, outdoor pool and clubhouse.

### **Water Supply Demand**

According to the Water Supply Information Summary the water demands for the subdivision are 55.65 acre-feet per year.

### **Source of Water Supply**

The proposed water source is the East Cherry Creek Valley Water and Sanitation District ("District"). A letter of commitment from the District, dated July 2, 2021 ("District Letter"), was provided.

According to the District Letter, the District supplies water to approximately 21,000 single family equivalents ("SFE's"). At buildout, the District is expected to service approximately 23,500 SFE's and this project is included in the buildout demand. For planning purposes the District uses an annual demand of 0.6 acre-feet per SFE. Therefore, at build-out the projected water demand is 14,100 acre-feet per year.

According to information previously provided by the District they currently have approximately 12,500 acre-feet per year of decreed nontributary Denver Basin water and a permanent agreement with Denver Water for 771 acre-feet per year of treated water. In addition, the District is currently developing renewable surface water and groundwater supplies through a multi-phase project designed to deliver groundwater that is tributary to the South Platte River to the District (Northern Project) which will reduce reliance on the Denver Basin groundwater. According to the submitted information the District projects that 6,000 acre-feet of water will be available annually as a result of the Northern Project. Such quantity is subject to the terms and conditions of the augmentation plans under which the water is withdrawn. The District has also obtained decrees in case nos. 00CW217 and 12CW220 that allow use of the District's lawn irrigation return flows.

The proposed source of water for this subdivision includes bedrock aquifer ground water 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 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 by the District in the Denver Basin 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.

### State Engineer's Office Opinion

Based upon 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 offers the opinion that with the District as the water supplier for the proposed development, the proposed water supply can be provided without causing material injury to existing water rights and the supply is expected to be adequate.

Our opinion that the water supply is **adequate** is based on our determination that the amount of Denver Basin groundwater required annually to serve the subdivision is physically available, based on current conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of Denver Basin groundwater that is legally available to the District on an annual basis, according to the statutory allocation approach, combined with the fully consumable water from Denver Water and augmented tributary groundwater is greater than the annual amount of water required to supply the District's water commitments at build-out, which the District states includes the demands of the proposed subdivision.

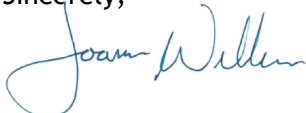
Our opinion is qualified by the following:

For the decreed Denver Basin water, the Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the decrees referenced in the District's court cases, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, 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.

Should you or the applicant have any questions, please contact me at (303) 866-3581 x8265 or [Joanna.Williams@state.co.us](mailto:Joanna.Williams@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 more prominent than the last name "Williams".

Joanna Williams, P.E.  
Water Resource Engineer

Ec: SEO Subdivision File 29029