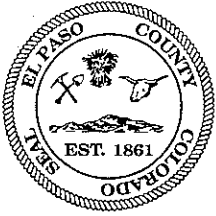


EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT

File No: VR-05-011 - Falcon Highlands Marketplace
 Filing #1
Applicant: URS Inc.
Owner: Cygnet Land LLC
Date Submitted: August 15, 2005
Location: The property is located south of Woodmen Road and west of the proposed realignment of Meridian Road.

Commissioner District: 2

Staff report prepared for Planning Commission Public Hearing
 Date Prepared: November 18, 2005
 Project Manager: Mike Garrott
 Planner: Kent Hubbard
 Engineer: Jennifer Powell

I. SUMMARY OF STAFF REPORT COMMENTS

The applicants are requesting approval of a vacation and replat to vacate a portion of the original Town of Falcon Plat, replat tract E, Woodmen Hills Filing 7D and replat Tract B, Beckett at Woodmen Hills Filing #3 into 7 commercial lots, a drainage tract and platting of the Meridian Road realignment. The replat consists of 61.40 acre and is zoned PBC (Planned Business Center) zone district. The applicants proposed lot sizes within the subdivision range from a minimum of 1.35 acres pad lot to a 19.81 acres anchor lot. The surrounding land is developed for urban density, single-family residential uses to the west and proposed urban densities to the east and south. The proposed development includes a shopping center, which is proposed to be anchored by a major discount retail store. The surrounding land is developed or proposed for single-family uses to the north, south and west, with commercial land uses to the east.

The Development Services Department received several comments from reviewing agencies, with responses ranging from no comment to approval.

Staff finds that given that the requested vacation / replat is consistent with the approved amended Sketch Plan (SKP-05-002) and pending preliminary plan, the Development Services Department recommends approval with conditions and notations as outlined in sections XII and XIII. Staff would also note that minor technical issues remain and will be completely resolved prior to scheduling the request for consideration by the Board of County Commissioners.

II. ACREAGE, PARCEL NUMBERS, PROPOSED USE

Acreage: 61.40 acres
Parcel Number(s): 43072-02-017; 53000-00-487; 53121-01-004;
53121-02-001; 53121-04-002; 53121-06-001
Proposed Use: Commercial (Shopping Center)

III. STAFF RECOMMENDATION

That the Planning Commission **approve** the proposed Vacation / Replat -

IV. NOTIFICATION

Staff notified 23 adjoining property owners.

Public Input:

V. PUBLIC HEARINGS and LEGAL NOTIFICATION

Planning Commission:

Request: Scheduled Hearing Date(s) 11/29/2005

Waiver(s): None

Vote:

Voting Rationale:

Summary of Planning Commission Hearing:

Legal Notice:

Board of County Commissioners:

Request: Not Applicable Hearing Date

Waiver(s): None

VI. CODE AND POLICY COMPLIANCE:

The project was reviewed against Chapter V, Section 48, (E) & (C) and all other applicable sections of the Land Development Code.

The proposed project is in compliance with the El Paso County Land Development Code.

Project Name: Vacation/ Replat: Falcon Highlands Market Place Filing #1
Project Number: VR-05-011
Project Manager: Mike Garrott

VII. IDENTIFICATION AND LOCATIONAL INFORMATION

Surrounding Land Use: North: Undeveloped
South: Undeveloped
East: Undeveloped
West: Developed Single-Family Residential

Zoning of Surrounding Property: North: PUD - proposed residential
South: PUD - proposed residential
East: PUD - Commercial
West: PUD - Falcon Highlands #1

VIII. LAND USE ANALYSIS AND IMPLICATIONS

Falcon Highlands Phase III Market Place (Market Place) vacate and replat is a proposed development consisting of commercial uses located west of Meridian Road, south of Woodmen Road and north and west of Falcon, Colorado. The property consists of approximately 61.40 acres and is presently zoned PBC, Planned Business Center (an Amended Sketch Plan and Re-zoning from PUD to PBC was approved November 10, 2005). Note: There is a concurrent application for Preliminary Plan approval.

The applicant is requesting approval of a vacate and replat to allow development of seven (7) commercial lots, one (1) detention lot, and four (4) tracts. Proposed improvements with this development include the construction of asphalt roadways, sidewalks, trails, drainage structures and facilities (tract A), and underground utilities including sewer, water, natural gas, telephone and electric utilities. Note: A significant section of Meridian Road between Woodmen Road and SH 24 will be constructed with this proposal as well as a regional detention facility.

Access to Market Place will be provided via Meridian Road (new construction on the eastern boundary of the property) and Feather Reed Road (new construction on the southern boundary of the property) to proposed internal driveways.

Market Place is bordered by Woodmen Road to the north, multi-family residential (Courtyards at Woodmen Hills West and Courtyards at Woodmen Hills North, Filing No. 2 which are north of Woodmen and west of the current Meridian Road), single-family residential to the west and southwest (Falcon Highlands Filing No. 1, and proposed Nos. 2 and 3) and to the east by the proposed Meridian Road.

Project Name: Vacation/ Replat: Falcon Highlands Market Place Filing #1
Project Number: VR-05-011
Project Manager: Mike Garrott

Note: The parcel has not been identified as Preble's Meadow Jumping Mouse habitat; however, the property does contain two creeks, which are currently considered Preble's mouse habitat by the U.S. Fish and Wildlife Service (FWS) who have regulatory jurisdiction over threatened and endangered species issues. Therefore, it is recommended that the applicant obtain documentation from FWS regarding threatened and endangered species impacts prior to proceeding with the project.

Staff finds that the request for approval of this vacate and replat complies with the submittal and review criteria set forth in Chapter V, Section 48, (E) & (C) of the El Paso County Land Development Code.

Staff finds that all issues identified during the initial review process have been satisfactorily addressed and/or resolved by the applicant and there are no outstanding issues remaining with the approval of this rezone request.

IX. COMPREHENSIVE PLAN ANALYSIS

Policy Plan Recommendation

Small Area Plan Recommendation

Other Master Plan Recommendations

Summary

Long Range Planning Division has no comments at the Final Plat stage. A finding of Master Plan consistency was made at the PBC zoning stage. There have been no changes to the El Paso County Master Plan in the interim. To the extent the final plat is generally consistent with the approved Preliminary Plan, a presumption of Master Plan consistency is appropriate.

X. PUBLIC SERVICE AND SITE CONSIDERATIONS

Major Thoroughfare and Transportation

The 2004 Major Transportation Corridors Plan (MTCP) identifies several major corridors in the immediate area of the subject site: US Highway 24, Meridian Road, Woodmen Road and Rolling Thunder Way.

- US Highway 24 is owned and maintained by CDOT and is currently a two lane paved road in the vicinity of the site.
- Meridian Road was previously classified as an expressway in the 1987 MTCP and was reclassified as a six lane principal arterial in the 2004 update. Meridian Road currently exists north of the subject site as a two lane paved road and is currently being

upgrading to a four lane road. Within the site (between Woodman Road and State Highway 24) Meridian Road is planned to be realigned in accordance with the Major Transportation Corridors Plan and will be initially constructed as a four lane urban roadway.

- Woodmen Road is a planned expressway and is currently a two lane paved road in the vicinity of the site. Woodmen Road is expected to be upgraded to four lanes in the near future and is ultimately expected to be a six lane thoroughfare between Interstate 25 and State Highway 24.
- Rolling Thunder Way is classified as an arterial within the commercial area of the development (from Meridian Road to Falcon Highlands Filing No. 1) and as a collector within the residential portion of the development (within Falcon Highlands Filing No.1). Rolling Thunder Way is planned to be extended from Falcon Highlands Filing No. 1 to an intersection at the realignment of Meridian Road.

The proposed development will have significant impact on the adjacent roadway network. Subsequent development applications will require a detailed Traffic Impact Study to identify the required roadway improvements to be implemented with each phase of the proposed development.

Drainage

The subject site is located within the boundary of the Falcon Drainage Basin. The Falcon Drainage Basin is a tributary to Black Squirrel Creek, which is in turn tributary to the Arkansas River. The Falcon Basin covers a total of 10.3 square miles in unincorporated El Paso County. The basin is divided into three major sub-basins and the overall basin trends in general in a south to southeasterly direction. El Paso County has adopted the Falcon Drainage Basin Planning Study as an amendment to the El Paso County Master Plan in November of 2000 and there are fees for this basin as adopted by the Board of County Commissioners.

A portion of the subject site is located within FEMA designated floodplain, and a regional detention facility is proposed within the site. The general drainage concept for the proposed subdivision is to drain the developed runoff into the proposed regional detention facility to mitigate the impact of developed runoff and ensure that historic flows are maintained downstream of the proposed subdivision. Drainage fees will be determined in the final drainage report and will be due at the time the plat is recorded.

Utilities Services

Utility providers have requested standard easements which the applicant has provided on the final plat.

Schools

District: #49-Falcon

Staff did not receive comments from the school district.

Project Name: Vacation/ Replat: Falcon Highlands Market Place Filing #1
Project Number: VR-05-011
Project Manager: Mike Garrott

Public Safety (Fire Protection and Law Enforcement)

The property is within the Falcon Fire Protection District will provided fire protection and emergency medical services accordingly.

Recreation and Parks

District Number: Park fees are not accessed for commercial developments.

Urban Parks Area: N/A

Fees in Lieu of Land:

Regional Parks: N/A

Urban Parks:

Neighborhood: N/A

Community: N/A

Topography and Land Characteristics Adaptability

As further described in the applicant's submitted materials, the site is typical of high desert areas with short prairie grass with relatively flat slopes generally ranging from 2% to 4%. From a physical standpoint, the site appears to be capable of supporting the proposed land uses.

Note: Natural hazards analysis indicates that there is high ground water and wetlands located on or near the proposed site. Usually, in areas where high ground water is an issue, underdrains are built to help alleviate the problem. However, since the proposed site is a commercial development, construction will most likely be done as slab-on-grade with no basements or lower levels. However, if for any reason a lower level/basement is to be built on the site, then an underdrain system may need to be installed to help compensate for the high groundwater.

Wetland area(s) in the site have been identified and approved by the Army Corps of Engineers. A mitigation plan for the site has been approved and implementation will tentatively begin in the fall of 2005 after plan approval.

Water

Source Falcon Highlands Metropolitan District

Quantity Finding of sufficiency

Quality Finding of sufficiency regarding water quality

Dependability Finding of Sufficiency

Project Name: Vacation/ Replat: Falcon Highlands Market Place Filing #1
Project Number: VR-05-011
Project Manager: Mike Garrott

Comments The County Attorney's Office makes a finding of sufficiency regarding water quantity and dependability based on the State Engineer's office interpretation.

The complete agency comments are found in the public record file.

XI. APPLICABLE RESOLUTIONS

Approval: Page 13
Disapproval Page 14

XII. CONDITIONS OF APPROVAL

1. If for any reason lower level or basements are to be built on the site(s), then an underdrain system may need to be installed to help compensate for high groundwater
2. Recommend that the applicant obtain documentation from FWS regarding threatened and endangered species impacts prior to proceeding with the project.
3. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Planning Department prior to project commencement if ground disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.
4. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current Title Commitment at the time of submittal of the Mylar for recording.
5. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
6. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
7. The Subdivision Improvements Agreement, including the Estimate of Guaranteed Funds as approved by the El Paso County Development Services Department shall be filed at the time of the recording of the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Estimate of Guaranteed Funds shall be provided when the Final Plat is recorded.

Project Name: Vacation/ Replat: Falcon Highlands Market Place Filing #1
Project Number: VR-05-011
Project Manager: Mike Garrott

9. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
10. Approval is contingent upon the development participating in a fair and equitable manner in the Woodmen Road District and in the Falcon Small Area Traffic Study.
11. Prior to scheduling this request for hearing by the Board of County Commissioners, all remaining concerns of the Engineering Division as identified in their most recent comments shall be addressed.
12. Applicable Drainage and Bridge Fees shall be paid prior to recording of the Final Plat.
13. The applicant shall submit the mylar to Enumerations for addressing.

XIII. NOTATIONS

1. Final Plats not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

Attachments:

Vicinity Map
Letter of Intent
Reduced Plat
State Engineer's Letter

El Paso County Parcel Information

Parcel Number: 5300000487, 4307202017, 5312101004, 04002,
03001, 06001, 02001, 05003

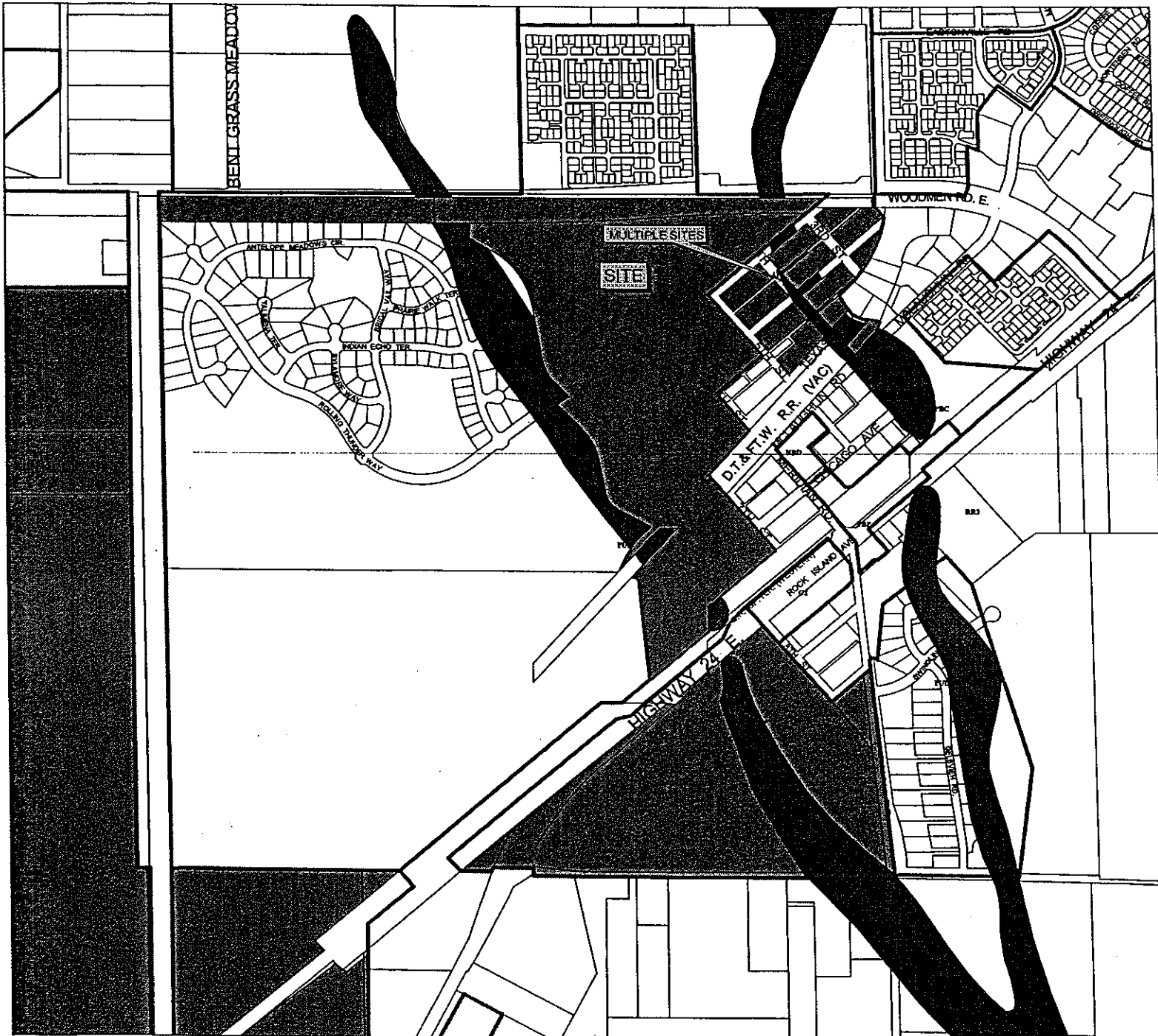
Parcel Address: 0 12-13-65

Parcel Owner: WOODMEN ROAD METROPOLITAN DIST

File Name: VR-05-011, SP-05-019

Zone Map No.: 531.12 & 432.07

Owner Mailing Address: 520 E COLORADO AVE, COLORADO SPRINGS, CO 80903



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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of plotting and is for internal use only. El Paso County, Colorado, makes no
claim as to the completeness or accuracy of the data contained hereon.

August 16, 2005



of a Regional Detention Facility on the Middle Tributary of the Falcon Basin. This section of Meridian Road has been identified as a need by El Paso County for decades. The regional detention facility will add to the significant drainage improvements constructed in the Falcon Basin over the past ten years helping to mitigate flooding issues.

Just as important is the increase in tax base for the support of School District 49 and the Woodmen Road District. Both of these entities will welcome the additional tax revenue to support capital expenditures and operating costs.

Existing and Proposed Facilities:

The site is presently vacant.

Proposed utilities in the development include the following:

- Sewer collection facilities (Falcon Highlands Metro District)
- Water Service (Falcon Highlands Metro District)
- Roadway improvements to include; Woodmen Road accel/decel lanes, Meridian Road from Woodmen Road to SH 24, Rolling Thunder Way extended to Old Meridian Road and a new collector road between Woodmen Road and Rolling Thunder Way.
- Electric Service (Mountain View Electric)
- Natural Gas Service (Colorado Springs Utilities)
- Telephone Service (US West)

The applicant proposes that the Falcon Highlands Metropolitan District provide sewer service to the commercial area via the Paintbrush Hills Treatment Plant through an agreement with the Woodmen Hills Metropolitan District. Mountain View Electric Association will provide electric service and the City of Colorado Springs will provide natural gas service. US West will provide phone service. Falcon Fire District will provide fire protection.

Additional Information:

- | | | |
|----|----------------------------|---------------------------------|
| 1. | Total area: | 62.99 acres |
| | Proposed Lot area: | 35.46 acres (7 commercial lots) |
| | Proposed Drainage Tract: | 3.72 acres |
| | Proposed r.o.w dedication: | 23.81 acres |

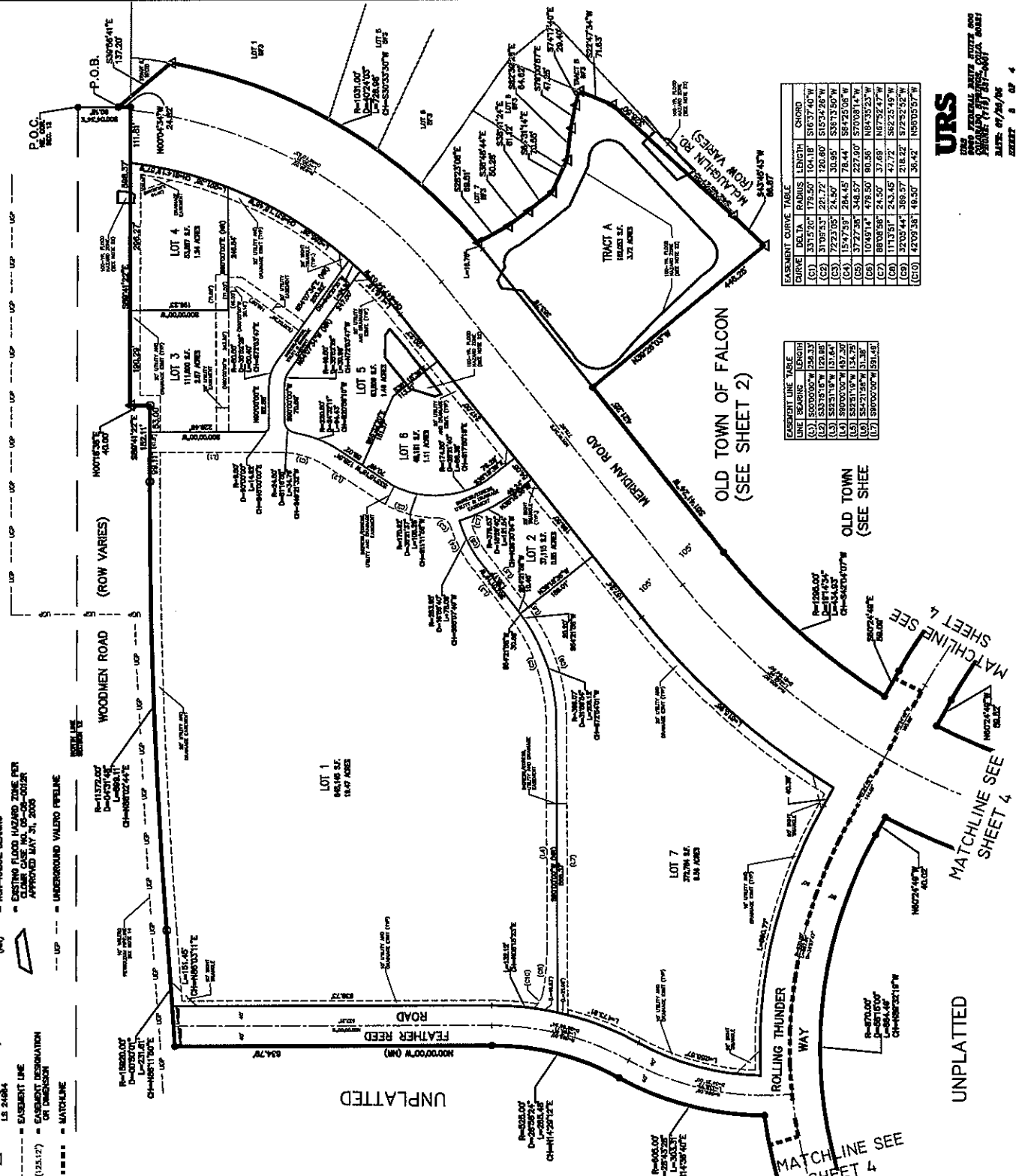
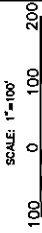
Other Requests:

1. Applicant requests approval to issue an Early Grading Permit.
2. Applicant requests waiver of the El Paso County Code for access spacing on Meridian Road and Feather Reed Road.

FALCON HIGHLANDS MARKET PLACE FILING NO. 1
 A SUBDIVISION OF A PORTION OF SEC. 12, T-19-S, R-66-W OF THE 6th P.M.,
 AND A REPLAT OF A PORTION OF THE TOWN OF FALCON
 EL PASO COUNTY, COLORADO

LEGEND:

- SET OR REBAR W/1/2" ALUM. CAP LS 24884
- FOUND AS REBAR W/1/2" ALUM. CAP LS 24884
- △ FOUND AS REBAR W/PLASTIC CAP LS 24884
- EXISTENT LINE
- (12A197) - EASEMENT DESIGNATION ON UNDERPASS
- MATCHLINE
- WH7D - WOODMEN HILLS FILING 7D
- SFS - REBAR AT WOODMEN HILLS FILING NO. 3
- (NR) - NON-RADIAL BEARING
- EXISTING FLOOD HAZARD ZONE FOR CLEARING PER 10-10-072R APPROVED MAY 31, 2005
- UNDERGROUND VALERO PIPELINE



EASEMENT CURVE TABLE

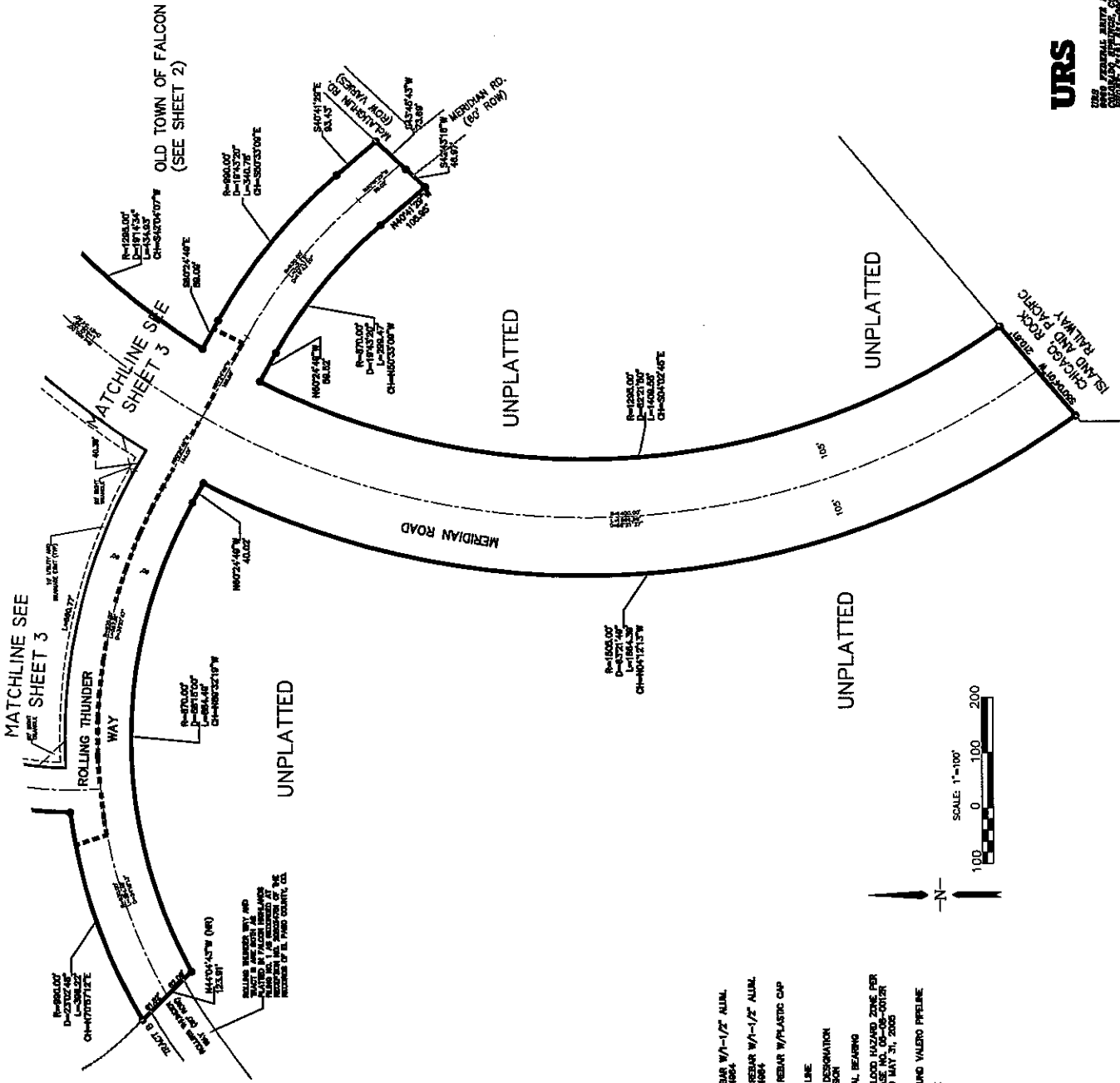
CURVE	DELTA	RADIUS	LENGTH	CHORD
(C1)	331.5700	179.50	104.18	516.3740"W
(C2)	317.9531	221.72	120.60	515.2426"W
(C3)	272.3051	24.50	30.95	535.1350"W
(C4)	154.7737	284.45	78.44	584.2505"W
(C5)	372.7281	348.57	227.00	570.0814"W
(C6)	104.9141	478.50	80.36	684.3523"W
(C7)	88.0836	24.50	37.69	687.2547"W
(C8)	111.5811	243.45	47.72	582.2549"W
(C9)	22.0544	388.57	218.22	572.5252"W
(C10)	42.0938	48.50	38.42	685.0557"W

EXISTENT CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
(E1)	180.0000	100.00	157.08
(E2)	53.3751	1.00	1.00
(E3)	53.3751	1.00	1.00
(E4)	53.3751	1.00	1.00
(E5)	53.3751	1.00	1.00
(E6)	53.3751	1.00	1.00
(E7)	53.3751	1.00	1.00

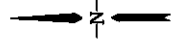
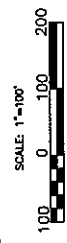
URS
 THE UNIVERSITY MICROFILMS
 INTERNATIONAL
 300 N ZEEB RD
 ANN ARBOR MI 48106
 PHONE: (734) 769-5000
 FAX: (734) 769-5001
 SHEET 3 OF 4

FALCON HIGHLANDS MARKET PLACE FILING NO. 1
 A SUBDIVISION OF A PORTION OF SEC. 12, T-13-S, R-66-W OF THE 6th P.M.,
 A PORTION OF SEC. 7, T-13-S, R-64-W OF THE 6th P.M.,
 AND A REPEAT OF A PORTION OF THE TOWN OF FALCON
 EL PASO COUNTY, COLORADO



LEGEND:

- - SET AS REBAR W/1/2" ALIM. CAP L.S. 2484.
- - FOUND AS REBAR W/1/2" ALIM. CAP L.S. 2484.
- △ - FOUND AS REBAR W/PLASTIC CAP L.S. 2484.
- EASEMENT LINE
- (125.12) - EASEMENT DIMENSION OR DIMENSION
- (N) - NON-RADIAL BEARING
- EXISTING FLOOD HAZARD ZONE PER CLEAR CASE NO. 06-08-0018 APPROVED MAY 31, 2005
- UNDERGROUND VALERO PIPELINE
- MATCHLINE



URS

THIS DRAWING WAS PREPARED BY URS
 CONSULTANTS, INC. UNDER CONTRACT
 NO. 14157-001-001 FOR THE
 DATE: 01/30/08
 SHEET 4 OF 4

November 22, 2005

Mike Garrott
El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80910

**Re: Falcon Highlands Market Place, Phase III, Filing 1, Final Plat, SP-05-019,
VR-05-011
Secs. 7 & 12, T13S, R65W, 6th PM
Upper Black Squirrel Creek Designated Ground Water Basin
W. Division 2, W. District 10**

Dear Mr. Garrott:

At your request, we reviewed the above referenced proposal to subdivide 63 acres into 7 commercial lots and a drainage tract. Please be aware of our previous comments made with regard to Falcon Highlands Development. Also, these comments are being made concurrently with comments for Falcon Highlands Phase II, Filings 2 and 3.

As currently proposed in the submitted Water Supply Information Summary (Summary) and accompanying Engineering Study (Study), Falcon Highlands, Phase III, Filing 1 (Market Place) will subdivide 63 acres into 7 commercial lots. Water and waste water services for the proposed subdivision are to be provided by the Falcon Highlands Metropolitan District (FHMD). Accompanying the subject proposal was a current letter of commitment, dated August 8, 2005. In a letter from the applicant's consultant, dated October 28, 2005 and submitted under separate cover, the applicant clarifies that a specific portion of FHMD's water will be used for the subject development, namely the decreed water rights pursuant to 01-CW-65. Return flow requirements for this water will be made directly to Sand Creek.

According to the Summary, the total proposed annual water demand for the Falcon Highlands Market Place will be 22 acre-feet. This breaks down to 13 acre-feet for commercial use (0.05 acre-feet per 1000 ft² of floor space, or 260,000 ft² of commercial space), and 9 acre-feet for irrigation purposes, which is sufficient to irrigate approximately 4.1 acres of lawn and garden. The drainage tract does not require a water supply.

Table 1. Water Supply

Water Right	Source	Trib. Status	Comment	Annual Amnt. (100-yr Aquifer Life)	Annual Amnt. (300-yr water supply) ³
<i>Water Sources within Designated Basins (Can only be applied on described overlying land area)</i>					
141-BD	Kif	NT – 2%		128 AF	42.7 AF
142-BD	Ka	NT – 2%		118 AF	39.3 AF
143-BD	Tkd	NNT – 4%		189 AF	63.0 AF
			<i>Subtotal</i>	<i>435 AF</i>	<i>145 AF</i>
<i>Water Sources from outside Designated Basins (Unrestricted area of application)</i>					
01-CW-65	Kif	NT		49.1 AF ^{2,5}	16.4 AF ^{2,5}
01-CW-65	Ka	NT		57.6 AF ^{2,5}	19.2 AF ^{2,5}
01-CW-65	Tkd	NNT		0 AF ¹	0 AF ¹
01-CW-65			Return Flow Requirements	-0.712 AF	-0.712 AF
83-CW-133	Ka	NTT	59.7 AF ⁷ Not available	0 AF	0 AF
83-CW-134	Kif	NT	Reserved for post pumping depletions	0 AF ⁷	0 AF
83-CW-135	Tkd	NNT	4.8 AF ⁷ Not available	0 AF ⁷	0 AF
			<i>Subtotal</i>	<i>106.0</i>	<i>34.9 AF</i>
TOTAL SUPPLY				541.0 AF	179.9 AF
Commitments					
Falcon Highlands, Phase I, Filing 1 (1/9/2004) ⁴				-50 AF	-50 AF
Falcon Highlands, Phase II, Filing 2 (proposed)				-67 AF	-67 AF
<i>Subtotal</i>				<i>424 AF</i>	<i>62.9 AF</i>
Falcon Highlands Phase III, Filing 1 – Market Place ⁶				-22 AF	-22 AF
TOTAL REMAINING SUPPLY				402.0 AF	40.9 AF

- 1- No augmentation plan approved for use NNT ground water
- 2- Principal supply proposed for Phs.III, Filing 1 -Market Place
- 3- Total (300yr) number arrived at by summing all nonrenewable water supplies annual allocations and dividing by 3
- 4- Dates represent dates of comment letters written by DWR
- 5- Return flow requirements to be made directly to Sand Creek in the amount of 0.712 AF/yr
- 6- Market Place supply restricted to using decreed water 01-CW-65, meter readings and accounting to show how water was correctly distributed
- 7- Aug. plan would not accommodate application of water on the subject land areas

100-Year Aquifer Life Analysis:

Our records show that FHMD, through its determination of water rights and other decreed water, has a conditionally available supply totaling 541.7 acre-feet. Of this amount, 0.7 AF/yr is committed to return flows for the water decreed under Case No. 01-CW-65, 50 acre-feet is committed to Filings 1, of Phase I, and 67 acre-feet is committed to Filing 2 of Phase II of the Falcon Highlands Subdivision, leaving an available supply of 424 acre-feet. Based upon this available supply and a proposed water requirement of 22 acre-feet for the subject subdivision, the available water supply remains sufficient to meet the requirements of 100-year aquifer life under Sections 37-90-107(7) and 37-90-111(5), C.R.S. This remains true in light of the proposal to use specific portions of the water supply on prescribed areas (See comment 7 of Table 1). The Market Place filing will rely on the ground water allocation pursuant to Case No. 01-CW-65. In addition, the

amount of ground water proposed to be used for irrigation purposes would be sufficient to meet both the 2% and 4% return flow requirements of the above-referenced determinations of water right and relinquishing water in the prescribed amount directly to Sand Creek would satisfy the return flow requirements for the water decreed in 01-CW-65 (See Table above).

300-Year Water Supply Analysis

FHMD, through its determination of water rights and other decreed water, has a conditionally available 300-year water supply totaling 180.6 acre-feet. Of this amount, 0.7 AF/yr is committed to return flows for the water decreed under Case No. 01-CW-65, 50 acre-feet is committed to Filings 1, of Phase I, and 67 acre-feet is committed to Filing 2 of Phase II of the Falcon Highlands Subdivision, leaving an available supply of 62.9 acre-feet. Based upon this available supply and a proposed water requirement of 22 acre-feet for the subject subdivision, the available water supply remains sufficient to meet the County's 300-year water supply requirement.

Based on the information provided to the State Engineer's office, the State Engineer under the provisions of Section 30-28-136(1)(h)(II), C.R.S., offers the opinion that the proposed water supply is adequate and will not cause injury to vested water rights.

Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life under the provisions of Sections 37-90-107(7) and 37-90-111(5), C.R.S. For planning purposes 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 100 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

If you have any questions, please contact Eric B. Thoman of this office.

Sincerely,

Kevin G. Rein, P.E.
Chief of Water Supply

KGR/SMS/EBT/FalconHighlands_MrktPlc.doc

cc: Steve Witte, Division Engineer
Tracy Doren, Upper Black Squirrel Creek GWMD
Designated Basins Branch
Records