

## STATE OF COLORADO

## OFFICE OF THE STATE ENGINEER

Division of Water Resources  
Department of Natural Resources

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December 14, 2005



Bill Owens  
Governor  
Russell George  
Executive Director  
Hal D. Simpson, P.E.  
State Engineer

Mr. Tom Eisenman  
Park County Planning Department  
P.O. Box 1598  
Fairplay, Co 80440

**Re: Pine Ridge PUD (The Villages at Sunset)-Final Plat, Case No. 05-PUD-3  
Sec. 1, 2, 11 and 12, T7S, R72W, 6th P.M.  
Water Division 1, Water District 80**

Dear Mr. Eisenman:

The Colorado Division of Water Resources has previously sent comments (letters dated June 17, 2005 and October 21, 2005) to your office regarding the Pine Ridge PUD. Our previous letters note that water for the development is proposed to be supplied by the Will-O-Wisp Metropolitan Water District (District). This District proposes to supply water in accordance with the plan for augmentation decreed in case no. 81CW144.

By copy of a letter dated December 3, 2005 to you from the Woodside Park Units 5 & 6 Homeowners Association, we have been informed of an ownership dispute regarding water rights included in case no. 81CW144.

By this letter, we wish to clarify that our previous letters regarding the operation of the augmentation plan decreed in case no. 81CW144 are based on the assumption that the necessary water rights and/or easements to use such water rights are available for use in the operation of the augmentation plan. Nothing in our previous letters should be construed to imply that the Division of Water Resources has made any determinations or findings regarding the ownership of any water right included in the subject augmentation plan. Further, neither this letter, nor the two previous letters from this office should be construed to opine regarding the ownership of any water rights or the validity of any claims of ownership of water rights and/or easements to use water rights. Additionally, this office has not evaluated the effect on the augmentation plan in the event any water rights or structures identified in case no. 81CW144 are not available for use. The determination of ownership issues exceeds the authority of this office, and to the extent that any such issues exist, such claims represent a legal issue to be determined by district courts.

The comments from our previous letters still apply. If you have any questions in this matter, please contact this office.

Sincerely,

Dick Wolfe, P.E.  
Assistant State Engineer

cc: Jim Hall, Division Engineer  
Roger Mlodzick, Water Commissioner, Districts 9 & 80  
DW/IC/Pine Ridge