



August 3, 2022

Matthew Fitzsimmons, Project Planner
El Paso Planning Community & Community Development
Transmitted via EPC EDARP portal: <https://epcdevplanreview.com/>

Re: Romens Subdivision Preliminary Plan
File #: SP228
Part of the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6th P.M.
Water Division 1, Water District 1
Upper Black Squirrel Creek Designated Basin

Dear Matthew Fitzsimmons:

We have reviewed the submittal concerning the above referenced proposal to subdivide 34.47 acres located in the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6th P.M. at 5135 Coneflower Lane into 7 residential lots and have the following comments.

Water Supply Demand

The proposed water uses for the subdivision are domestic, irrigation, replacement and stock watering. The proposed water demand for each lot is 0.407 acre-feet/year or 2.85 acre-feet/year for all 7 lots.

Source of Water Supply

The proposed water supply for the subdivision are individual on lot wells, including well permit no. 86508-F, constructed in the not-nontributary Dawson aquifer to operate pursuant to Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-RP.

The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 4278-BD is 8.55 acre-feet. The allowed average annual amount of withdrawal provided for in the replacement plan approved for Determination of Water Right 4278-BD is 2.85 acre-feet annually (0.407 acre-feet per lot) for a maximum of 300 years. The allowed uses per the replacement plan are: domestic including in-house use; domestic animal watering; irrigation of landscape, gardens and greenhouse; commercial; fire protection; recreational; and the watering of stock animals, either directly or after storage on 40 acres described as the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6th P.M. The subdivision lies within the allowed place of use of Determination of Water Right no. 4278-BD. The replacement plan does not allow replacement use as proposed in this referral. If the Applicant intends to use the water for replacement use, an amended replacement plan allowing such use must first be obtained.



Well permit no. 86508-F was issued January 13, 2022 pursuant to section 37-90-107(7), C.R.S., Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-RP. The use of groundwater from this well is limited to domestic including in-house use; domestic animal watering; irrigation of landscape, gardens and greenhouse; commercial; fire protection; recreational; and the watering of stock animals, either directly or after storage on 40 acres described as the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6th P.M. The allowed average annual amount of groundwater from the Dawson aquifer that may be withdrawn by this well may not exceed 0.407 acre-feet and the total amount of groundwater that may be withdrawn may not exceed a volume of 122.1 acre-feet, subject to the conditions of Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-RP.

The proposed source of water for this subdivision is a bedrock aquifer 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 37-90-107(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 amount of water determined in Determination no. 4278-BD is equal to one percent of the total amount, as determined 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 for a maximum of 100 years.

Further, 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 three hundred years, the allowed average annual amount of withdrawal would be reduced to one third of that amount. Additionally, the allowed annual amount of groundwater to be withdrawn from the Dawson aquifer operating under Replacement Plan no. 4278-RP shall not exceed 2.85 acre-feet (0.407 acre-feet per well), which is equal to the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for well permits, submitted by an entity other than the current water right holder (Romens Living Trust), must include evidence that the Applicant has acquired the right to the portion of water being requested on the application.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I), 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 as long as the uses of the wells in the subdivision are limited to those allowed under

Replacement Plan no. 4278-FP. If the Applicant intends to use the water for replacement use, an amended replacement plan allowing such use must first be obtained.

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 Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced determination of water right, 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.

If you or the applicant have any questions, please contact Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,



Joanna Williams, P.E.
Chief of Water Supply, Designated Basins

Ec: Referral No. 30418
Water well permit file no. 86508-F
Upper Black Squirrel Creek Ground Water Management District