



November 25, 2024

Ashlyn Mathey
El Paso County Planning and Community Development
Transmission via EDARP portal

**Re: Esteban Rodriguez Subdivision Preliminary Plan EA23109 SP245
W ½ of Section 2, N ¼ Section 11, T13S, R64W of the 6th PM
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Groundwater Basin
CDWR Subdivision No. 31027**

Dear Ashlyn Mathey:

We have reviewed your November 14, 2024 submittal concerning the above referenced proposal to subdivide 493.21 acres into 144 single-family residential lots ranging in size from 2.5 acres to 5 acres, several no-build open space tracts, four commercial support lots and irrigated areas. Open space lots include a park, floodplain areas, detention ponds and trail easements. This office previously commented on the sketch plan in a letter dated November 9, 2023. This letter supersedes the November 9, 2023 letter.

Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the submittal are as follows:

- The 144 residential lots will require 0.288 acre-feet annually for domestic use (0.26 acre-feet for household use and 0.028 acre-feet for 500 square feet of lawn and garden), totaling 41.472 acre-feet per year.
- The three commercial lots are estimated to use 13.838 acre-feet per year (13,782 acre-feet for 123,035 square feet of commercial space and 0.0566 acre-feet for irrigation demands).

The estimated total for the subdivision is 55.354 acre-feet per year.

Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Denver aquifer that will operate pursuant to the Determination of Water Right No. 459-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 459-BD is 167.69 acre-feet.

The subdivision lies within the allowed place of use of Determination of Water Right no. 459-BD, and the proposed uses are uses allowed by that Determination.

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 amounts of water determined in 459-BD are 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.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (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 of 167.69 acre-feet/year would be reduced to one third of that amount, or 55.61 acre-feet/year, which is greater [not greater] than the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) [(for municipal supply, add:) 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.

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 decree, 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. 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 the 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.

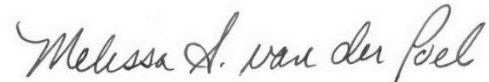
Additional Comments

1. The applicant must be able to prove that the portion of the Denver aquifer in Determination of Water Right in 459-BD underlying the proposed subdivision is owned by the applicant.
2. Well permit no. 316614 must be re-permitted in accordance with the subdivision lot where it is located.
3. The application materials indicate that the project will collect storm flows in a detention pond. The applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure

that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

Should you have any questions, please contact me of this office at melissa.vanderpoel@state.co.us.

Sincerely,

A handwritten signature in cursive script that reads "Melissa A. van der Poel".

Melissa A. van der Poel, P.E.
Water Resources Engineer

cc: Subdivision File 31027
Well permit file no. 316614