



July 1, 2021

John Green
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Miles Subdivision AKA JeniShay Farms
Part of the E ½ of the SW ¼, Section 29, T11S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear John Green,

We have reviewed the additional information received by this office on June 3, 2021 regarding the above referenced referral. The Applicant is proposing to create a 9 lot subdivision on 52.63 acres to subdivide 39.72 acres into seven lots and replat two lots known as Lots 5 and 6 of Terra Ridge Estates. This office previously commented on subject referral in a letter dated December 30, 2020, this letter supersedes the previous letter.

Water Supply Demand

According to the Water Supply Information Summary and the JeniShay Farms Water Resources Report & Wastewater Treatment Report by JDS-Hydro Consultants dated January 2021 (“Water Resources Report”), the estimated annual demand for the nine lots is 0.59 acre-feet per year, which will be used for domestic indoor use (0.25 acre-feet), irrigation of 4,000 square-feet of lawn, garden and trees (0.27 acre-feet), and watering of up to 4 large domestic animals (0.07 acre-feet). The total estimated water requirement for the nine lots is 5.31 acre-feet per year (0.59 acre-feet per year per lot) with the seven lots on the 39.72 acres having a 300 year water supply.

The Water Resources Report references commercial water demands and a commercial lot however it is unclear which lot(s) will be commercial and what the water demands will be for those lot(s).

Source of Water Supply

The proposed water source for the seven lots on the 39.7 acres is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in Division 1 Water Court Case no. 18CW3226.

According to the Water Supply Information Summary the proposed water source for one of replatted lots of Terra Ridge Estates will be an existing Dawson aquifer well permitted under well permit no. 53112-F. The proposed water source for the remaining replatted lot is an individual on lot well constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in Division 2 Water Court Case no. 96CW068.



Well permit no. 53112-F is constructed in the Dawson aquifer and operates pursuant to the decreed augmentation plan in Division 2 Water Court Case no. 96CW068 (Division 1 Water Court Case No. 96CW146) and may withdraw 1.0 acre-foot per year for ordinary household purposes inside one single family dwelling, the watering of not more than four (4) domestic animals and the irrigation of not more than 13,000 square feet of home lawn and garden.

The decreed augmentation plan in Division 1 Water Court Case no. 18CW3226 allows for the annual withdrawal of 4.13 acre-feet per year from the not nontributary Dawson aquifer, based on a 300 year allocation approach. The augmentation plan states the ground water will be used for in house use in up to seven residences (0.25 acre-foot per residence) with remaining pumping entitlements available for other uses on the property.

The decreed augmentation plan in Division 2 Water Court Case no. 96CW068 allows for the annual withdrawal of 40 acre-feet from the not nontributary Dawson aquifer for 40 individual lots, based on a 100 year allocation approach. This augmentation plan was for Terra Ridge Estates Subdivision.

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 37-90-137(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 in case nos. 96CW068 and 18CW3226 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.

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 annual demand for the seven lots discussed above is the same as the allowed average annual amount of withdrawal allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Since lots 5 and 6 of Terra Ridge Estates that are being replatted are under the county's requirement in Chapter 5, Section 49.5, (D), (2) of a 300 year water supply for the subdivision, the 100 year augmentation plan decreed in Division 2 Water Court Case no. 96CW068 does not satisfy the county's 300 year water supply requirement. The Applicant must submit a water supply plan for replatted lots 5 and 6 of Terra Ridge Estates that satisfies the county's 300 year water supply requirement.

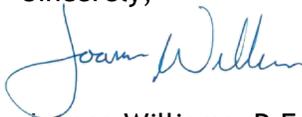
State Engineer's Office Opinion

Based on the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. Prior to further review of the subdivision water supply plan the following information is required:

1. Clarification on which lot(s) are commercial and the water demands and water source for those lot(s).
2. The Applicant must submit a water supply plan for replatted lots 5 and 6 of Terra Ridge Estates that satisfies the county's 300 year water supply requirement.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is written in a cursive style with a large initial "J".

Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision file: 27451
File permit no. 53112-F