



February 15, 2025

Joe Letke, Project Manager  
El Paso County Planning and Community Development Department  
Transmitted via EDARP portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Hay Creek Ranch Subdivision - Filing No. 2**  
File #: SF253  
Part of the SE ¼ of Sec. 33, Twp. 11 South, Rng. 67 West, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 32685

Dear Joe Letke,

We have received the submittal concerning the above referenced proposal to subdivide a 30.05 acre tract of land into six single-family lots. The proposed water supply is five new individual on-lot wells constructed in the Dawson and Denver aquifers, operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 2021CW3056. Proposed Lot 1 would continue to be serviced by an existing well completed into the Denver aquifer well permit no. 163509. All lots would have individual septic systems for wastewater treatment.

### **Water Supply Demand**

According to the Water Supply Information Summary, the water supply would operate pursuant to the Division 2 Water Court case no. 2021CW3056. This case allowed for the use of one well completed into the Dawson aquifer to pump 0.972 acre-feet/year along with four other wells completed into the Denver aquifer to pump 2.8 acre-feet/year (0.7 acre-feet per well) for a combination of uses including household use, irrigation of lawn and garden and livestock watering.

### **Source of Water Supply**

The proposed water supply is individual on-lot wells constructed in the not-nontributary Dawson and Denver aquifers with five wells operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 21CW3056, and one existing well with permit no. 163509 which services the existing residence on proposed Lot 1.

The plan for augmentation decreed in case no. 21CW3056 allows for an average diversion of 0.972 acre-feet/year for one well completed into the Dawson and 2.8 acre-feet/year for four wells completed into the Denver aquifer for a maximum of 300 years. The allowed uses are household use, irrigation, and stock water.



The proposed sources of water for this subdivision are bedrock aquifers 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 section 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 21CW3056 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.

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."

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, or 2.8 acre-feet/year from the Denver Aquifer, and 0.972 acre-feet/year from the Dawson as allowed by the 21CW3056 augmentation plan, which is **greater** than or 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 on lot well permits, submitted by an entity other than the current water right holder (James D. Hull and Lynette M. Hull) must include evidence that the applicant has acquired the right to the portion of water being requested on the application. **Evidence that the Applicant owns the water rights granted in case no. 21CW3056 was not provided.**

### **Additional Comments**

The application materials indicate that a storm water detention structure will be constructed as a part of this project. 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), C.R.S., 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*, attached, 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* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

### State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., this office has not received enough information to render an opinion regarding whether the proposed water supply is adequate and can be provided without causing injury to decreed water rights. **Prior to further review, the Applicant must provide evidence that they own the water rights granted in case no. 21CW3056.**

Please contact [Katharine.Anderson@state.co.us](mailto:Katharine.Anderson@state.co.us) or (303) 866-3581 x8207 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is written in a cursive, flowing style.

Ivan Franco, P.E.  
Water Resource Engineer

Ec: Water well permit no. 163509 file