



March 6, 2023

El Paso County Development Services Department
 2880 International Circle, Suite 110
 Colorado Springs, CO 80910
 Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

RE: Canyon Creek Ranch Minor Subdivision
 S1/2 of the SW1/4 of Sec. 14, Twp. 12S, Rng. 66W, 6th P.M.
 Water Division 2, Water District 10
 CDWR Assigned Subdivision No. 30650

To Whom It May Concern,

We have received the submittal to subdivide a 24.654-acre lot into 3 single-family residential lots and 2 tracts. Lots 1-3 will be approximately 5 acres in size. There is an existing residence on the proposed Lot 1, which is serviced by an existing well with permit no. 66177-F. The water supply to these lots will be provided by one existing well and two proposed wells with wastewater being disposed of through individual on-lot septic disposal systems.

Water Supply Demand

The Water Supply Information Summary, included with the submittal, estimated a total annual use for the subdivision of 1.678 acre-feet per year pursuant to Division 2 Water Court Case No. 06CW0015. Case No. 06CW0015 allows for a combined use of 1.68 acre-feet per year from up to 4 wells, including the existing well. The following allowed uses and estimated demand rates are described in the court case as follows:

Use	Amount Per Lot	Water Use Rate	Demand per Lot (acre-feet/year)	Total Demand (acre-feet/year)
Household use	1 home	0.3 AF/year per home	0.3	0.9
Irrigation of lawn/garden	5163 square-feet	0.046 AF/year per thousand square-feet	0.237	0.712
Horses	2 head	0.011 AF/year per head	0.022	0.066
Total			0.559	1.678

Source of Water Supply

The anticipated source of water is to be provided by three on-lot wells. The wells will produce from the Denver aquifer. The wells will operate pursuant to the augmentation plan



decreed in Case No. 06CW0015 (Division 2). The water underlying this property was adjudicated.

According to the decree referenced above, the following amounts of water shown in Table 2, below, were determined to be available underlying the 23.96-± acre tract of land owned by the applicant.

Table 2 - Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	287	2.87	0.95
Denver	NNT	1767	17.67	5.89
Arapahoe	NNT	1107	11.07	3.69
Laramie-Fox Hills	NT	682	6.82	2.27

The plan for augmentation decreed in case no. 06CW0015 allows for annual diversion of 2.2 acre-feet from the Denver aquifer for the uses proposed in the subdivision referral.

This office has record of one existing well located on the property. Well permit no. 66177-F was issued pursuant to Case No. 06CW0015 and 37-90-137(4) as a non-exempt well for use in one single family residence, the irrigation of not more than 4,500 square-feet of home lawn and gardens, and the watering of not more than 2 head of livestock, with a maximum diversion of 0.529 acre-feet/year. The well was constructed under Permit no. 268558, which has since been canceled.

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 is equal to one percent of the total amount available 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 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 estimated demand, for the entire subdivision, is a maximum of 1.678 acre-feet as allowed by the augmentation plan. 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 entities other than the applicant of the underground water rights and plan of augmentation that are the subject of Case No.

06CW0015 must submit evidence that the Applicant has acquired the right to the portion of the water being requested in the application.

State Engineer's Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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 is greater than the annual amount of water required to supply the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in Case No. 06CW0015 (Division 2), was 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. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

Should you or the applicant have questions regarding any of the above, please contact me at this office.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Rachel Zancanella, Division 2 Engineer
Jacob Olson, District 10 Water Commissioner
File for Permit no. 66177-F