



March 15, 2024

Kylie Bagley  
El Paso County Planning and Community Development  
Transmission via EDARP portal

**Re: Silverado Ranch Filing 2 EA21137 SF246  
Section 16, T15S, R 63W 6<sup>th</sup> PM  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Ground Water Basin  
CDWR Subdivision No. 31244**

Dear Kylie Bagley;

We have reviewed your March 11, 2024 submittal concerning the above referenced proposal to subdivide 48.9 acres into 15 lots ranging in size from 2.6 acres to 3.8 acres.

This office provided a letter dated April 12, 2017 on the adequacy of the proposed water supply to the Silverado Ranch Preliminary Plan (PUD) as well as on the Silverado Ranch Filing No. 1 on May 21, 2018.

### **Water Supply Demand**

According to the submittal, the proposed uses and estimated water requirements for the fifteen lots are household use (0.25 acre-feet per lot) and irrigation of up to 2,600 square feet (0.14 acre-feet per lot) totaling 0.39 acre-feet per lot or 5.85 acre-feet total for the filing.

### **Source of Water Supply**

The proposed source of water is individual on lot wells producing from the nontributary Laramie-Fox Hills aquifer that will operate pursuant to the Determination of Water Right No. 325-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 325-BD is 76.8 acre-feet

The subdivision lies within the allowed place of use of Determination of Water Right no. 325-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 325-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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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 76.8 acre-feet/year would be reduced to one third of that amount, or 25.6 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 [(Designated Basins:)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.

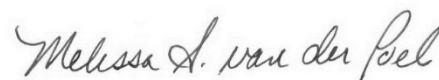
The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 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**

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 in this office at 303-866-3581.

Sincerely,



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

cc: Subdivision File 31244