



COLORADO

Division of Water Resources

Department of Natural Resources
1313 Street, Room 821
Denver, CO 80203

December 6, 2017

Raimere Fitzpatrick
El Paso County, Planning and Community Development
Transmitted via email:
raimerefitzpatrick@elpasoco.com

RE: SBR Racing Minor Subdivision
SW1/4 of SE1/4 of Sec. 22, T12S, R63W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Mr. Fitzpatrick:

We have received your October 23, 2017 submittal concerning the above-referenced proposal to subdivide 39.154 acres into two lots, a Lot 1 of 35.01 acres and a Lot 2 of 4.144 acres.

Water Supply Demand

The estimated water requirement for Lot 1, which would continue to be used for an existing outdoor amusement center / go-kart racing track, was not given, other than stating the requirements are supplied by bottled water. The estimated water requirement for Lot 2, which would continue to be used for an existing single-family residence, was given as less than 1 acre-foot per year.

Source of Water Supply

The proposed source of water to Lot 1 is bottled water. The proposed source of water to Lot 2 is an existing well, small capacity permit no. 115609, producing from the Denver aquifer.

Permit no. 115609 was issued August 14, 1980 as a small capacity well permit on what was claimed by the applicant at that time as a 5-acre parcel. Available information now indicates there was not a 5-acre parcel in existence at the location of the well in 1980, but rather the parcel on which the well permit was issued was the currently existing parcel.

Permit no. 115609 was issued without consideration of material injury to other water rights. Because the lot on which well permit no. 115609 would be located (Lot 2) would be within a post-June 1, 1972 subdivision, material injury to other water rights is now a consideration. The Denver aquifer at this location is not-nontributary, within one mile of a contact with the alluvial aquifer with an actual impact replacement requirement, the diversion from which would injure other water rights absent a replacement plan approved by the Ground Water Commission. Therefore, the well could not continue to operate under permit no 115609. The well could continue to operate only if it is re-permitted as a large capacity well pursuant to a Determination of Water right and Replacement Plan approved by the Colorado Ground Water Commission.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(l) C.R.S., it is our opinion that the proposed water supply is not adequate and cannot be provided without causing injury to decreed water rights.



Any applications for a Determination of Water Right, Replacement Plan or large capacity well permit (whether for proposed Lot 2, or any additional future water requirements for proposed Lot 1) would be evaluated pursuant to the applicable statutes and rules at the time they are submitted to this office.

Should you have any questions, please contact Neelha Mudigonda at neelha.mudigonda@state.co.us.

Sincerely,

A handwritten signature in black ink that reads "Keith Vander Horst". The signature is written in a cursive style with a large, stylized 'K' and 'H'.

Keith Vander Horst, P.E.
Chief of Water Supply, Basins

cc: Division 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek Ground Water Management District
Well Permit no. 115609

NSM: SBR_Nov2017.doc