

# WATER SUPPLY INFORMATION SUMMARY

Section 30-28-133(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality and dependability will be available to ensure an adequate supply of water.

1. NAME OF DEVELOPMENT AS PROPOSED <p style="text-align: center; font-size: 1.2em;">Walker Reserve</p>			
2. LAND USE ACTION <p style="text-align: center; font-size: 1.2em;">Minor Subdivision</p>			
3. NAME OF EXISTING PARCEL AS RECORDED <p style="text-align: center; font-size: 1.2em;">NE 1/4 SW 1/4, Sec 11, T11S, R66W, 6<sup>th</sup> PM</p>			
SUBDIVISION	FILING	BLOCK	LOT
4. TOTAL ACREAGE <u>40.56</u>	5. NUMBER OF LOTS PROPOSED <u>3</u>	PLAT MAP ENCLOSED <input checked="" type="checkbox"/> YES	
6. PARCEL HISTORY - Please attach copies of deeds, plats or other evidence or documentation.			
A. Was parcel recorded with county prior to June 1, 1972? <input type="checkbox"/> YES <input type="checkbox"/> NO			
B. Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, describe the previous action _____			
7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner.			
<p style="font-size: 1.2em;">NE 1/4 OF SW 1/4 SECTION <u>11</u> TOWNSHIP <u>11S</u> <input type="checkbox"/> N <input checked="" type="checkbox"/> S RANGE <u>66W</u> <input type="checkbox"/> E <input checked="" type="checkbox"/> W</p>			
PRINCIPAL MERIDIAN: <input checked="" type="checkbox"/> GTH <input type="checkbox"/> N.M. <input type="checkbox"/> UTE <input type="checkbox"/> COSTILLA			
8. PLAT - Location of all wells on property must be plotted and permit numbers provided.			
Surveyors plat <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If not, scaled hand drawn sketch <input type="checkbox"/> Yes <input type="checkbox"/> No			
9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Feet per Year		10. WATER SUPPLY SOURCE	
HOUSEHOLD USE # _____ of units _____ GPD <u>0.35</u> AF	COMMERCIAL USE # _____ of S.F. _____ GPD _____ AF	<input checked="" type="checkbox"/> EXISTING WELLS WELL PERMIT NUMBERS <u>174104</u>	<input checked="" type="checkbox"/> NEW WELLS - PROPOSED ADAPTERS - (CHECK ONE) <input type="checkbox"/> ALLUVAL <input type="checkbox"/> UPPER ARAPAHOE <input checked="" type="checkbox"/> UPPER GANSON <input type="checkbox"/> LOWER ARAPAHOE <input type="checkbox"/> LOWER GANSON <input type="checkbox"/> LARAMIE FOX HILLS <input type="checkbox"/> BEKVER <input type="checkbox"/> DAKOTA <input type="checkbox"/> OTHER _____
IRRIGATION # <u>6000</u> <sup>ft<sup>2</sup></sup> of acres _____ GPD <u>0.35</u> AF	STOCK WATERING # _____ of head _____ GPD _____ AF	<input type="checkbox"/> MUNICIPAL <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> COMPANY <input type="checkbox"/> DISTRICT NAME _____	WATER COURT DECREE CASE NO.'S <u>2018CW3004</u>
OTHER _____ GPD _____ AF	TOTAL _____ GPD <u>0.70</u> AF	LETTER OF COMMITMENT FOR SERVICE <input type="checkbox"/> YES <input type="checkbox"/> NO	_____
11. ENGINEER'S WATER SUPPLY REPORT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM			
<input checked="" type="checkbox"/> SEPTIC TANK/LEACH FIELD	<input type="checkbox"/> CENTRAL SYSTEM - DISTRICT NAME _____		
<input type="checkbox"/> LAGOON	<input type="checkbox"/> VAULT - LOCATION SEWAGE HAULED TO _____		
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design)	<input type="checkbox"/> OTHER _____		



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

October 21, 2019

Nina Ruiz  
El Paso County Development Services Department  
Transmission via email: [NinaRuiz@elpasoco.com](mailto:NinaRuiz@elpasoco.com)

**RE: Walker Minor Subdivision (aka Walker Reserve)**  
**Case No. MS194**  
**NE1/4 of the SW1/4 of Section 11, T11S, R66W, 6<sup>th</sup> P.M.**  
**Water Division 1, Water District 8**

Dear Ms. Ruiz:

We have reviewed your referral of October 15, 2019 concerning the above referenced proposal to subdivide a 40-acre parcel into three residential single-family lots of 5.10 acres (Lot 1), 5.12 acres (Lot 2) and 28.52 acres (Lot 3). The residential lots will be served by individual on-lot wells producing from the not nontributary Dawson aquifer. The Applicant obtained a decree for underground water rights and an augmentation plan for Dawson aquifer wells in Division 1 Water Court in case no. 2018CW3004.

This office previously commented on this proposal in our letters dated May 2, 2019 and July 8, 2019. The comments from our previous letters (copies enclosed) regarding the water supply for this subdivision still apply.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,

Joanna Williams, P.E.  
Water Resource Engineer

Ec: Subdivision File 26468





July 8, 2019

Nina Ruiz  
El Paso County Development Services Department  
Transmission via email: [NinaRuiz@elpasoco.com](mailto:NinaRuiz@elpasoco.com)

**RE: Walker Minor Subdivision (aka Walker Reserve)  
Case No. MS194  
NE1/4 of the SW1/4 of Section 11, T11S, R66W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 8**

Dear Ms. Ruiz:

We have reviewed your referral of June 27, 2019 concerning the above referenced proposal to subdivide a 40-acre parcel into three residential single-family lots of 5.10 acres (Lot 1), 5.12 acres (Lot 2) and 28.52 acres (Lot 3). The residential lots will be served by individual on-lot wells and septic systems. The Applicant obtained a decree for underground water rights and an augmentation plan for Dawson aquifer wells in Division 1 Water Court in case no. 2018CW3004.

This office previously commented on this proposal in our letter dated May 2, 2019. The comments from our previous letter dated May 2, 2019 (copy enclosed) regarding the water supply for this subdivision still apply, except that as required by our previous letter and the augmentation plan approved by Division 1 Water Court in case no. 2018CW3004, well permit no. 174104 was re-permitted to be operated under permit no. 83194-F pursuant to the terms and conditions of the augmentation plan. Permit no. 174104 was canceled upon issuance of well permit no. 83194-F. The use of ground water from well no. 83194-F is limited to in house use, irrigation of 6,000 square-feet of lawn, garden and trees and stockwatering of up to 4 large domestic animals.

#### State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., we reiterate that 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 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:

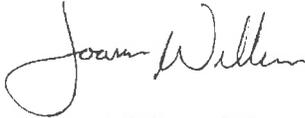
The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.



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 100 years (or 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.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,

A handwritten signature in cursive script that reads "Joanna Williams".

Joanna Williams, P.E.  
Water Resource Engineer

Ec: Subdivision File 26468  
Permit No. 83194-F



May 2, 2019

Nina Ruiz  
 El Paso County Development Services Department  
 Transmission via email: [NinaRuiz@elpasoco.com](mailto:NinaRuiz@elpasoco.com)

**RE: Walker Minor Subdivision (aka Walker Reserve)**  
**Case No. MS194**  
**NE1/4 of the SW1/4 of Section 11, T11S, R66W, 6<sup>th</sup> P.M.**  
**Water Division 1, Water District 8**

Dear Ms. Ruiz:

We have reviewed your referral of April 23, 2019 concerning the above referenced proposal to subdivide a 40-acre parcel into three residential single-family lots of 5.10 acres (Lot 1), 5.10 acres (Lot 2) and 28.52 acres (Lot 3). The residential lots will be served by individual on-lot wells and septic systems. The Applicant obtained a decree for underground water rights and an augmentation plan for Dawson aquifer wells in Division 1 Water Court case no. 2018CW3004.

**Water Supply Demand**

According to a letter dated January 17, 2018 from the Applicants' water attorney Mr. James J. Petrock (water supply letter) each of the three lots will withdraw 0.75 acre-feet/year for 300 years for the in-house use (0.35 acre-feet/year), irrigation of 6,000 square-feet of home lawn, garden and trees (0.35 acre-feet/year) and the watering of four large domestic animals (0.05 acre-feet/year).

**Source of Water Supply**

The proposed source of water for this subdivision is on lot wells producing from the not nontributary Dawson aquifer. The decree granted in case nos. 2018CW3004 quantified the amount of water underlying the subject 40-acre parcel. According to the decree the following amounts of water were determined to be available underlying the 40-acre parcel:

Aquifer	Annual amount available for 40-acre parcel based on 100 year allocation approach (acre-feet)
Dawson	29.6*
Denver	36.4
Arapahoe	17.7
Laramie-Fox Hills	12.6

\*Annual amount reduces by 4 acre-feet annually for well permit no. 174104

The plan for augmentation decreed in case no. 2018CW3004 allows for an average diversion of 2.25 acre-feet/year for 300 years. The decree allows the withdrawal from up to 3 wells (including the well currently operated under well permit no. 174104) in the Dawson aquifer pursuant to the decreed augmentation plan. According to the decree, the allowed withdrawal from each Dawson aquifer well will be limited to 0.75 acre-feet/year/lot for in-house use (0.35 acre-feet/year), irrigation of 6,000 square-feet of home lawn, garden and trees (0.35 acre-feet/year) and the watering of four large domestic animals (0.05 acre-feet/year).



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. 2018CW3004 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 subdivision is the same as the allowed average annual amount of withdrawal of 2.25 acre-feet/year, allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Records in this office indicate that there is an existing well, operating under well permit no. 174104, located on the subject property. Well permit no. 174104 was issued on November 1, 1993 as the only well on a tract of land of 45.54 acres described as the NE1/4 of the SW1/4 and the South 165 feet of the of SE1/4 of the NW1/4 of Section 11, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M. The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns. The well was constructed on May 24, 1994, into the not nontributary Dawson aquifer. Section 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. **The well must either be re-permitted pursuant to the augmentation plan in case no. 2018CW3004 or else be plugged and abandoned in accordance with the Water Well Construction Rules prior to subdivision approval.** Information in the augmentation plan, indicates that well permit no. 174104 will be re-permitted pursuant to the augmentation plan in case no. 2018CW3004.

Applications for on lot well permits submitted by entities other than the current water right holder in case no. 2018CW3004 (Scott and Susan Mikulecky) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

#### **State Engineer's Office Opinion**

Based upon the above and pursuant to Section 30-28-136(1)(h)(I), 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, **provided the Applicant re-permits the existing well currently operated under well permit no. 174104, pursuant to the augmentation plan approved in case no. 2018CW3004, prior to subdivision approval.**

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 existing water commitments and the demands of the proposed subdivision.

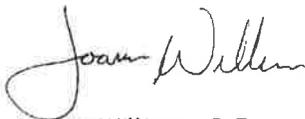
Our opinion is qualified by the following:

The Division 1 Water Court 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 100 years (or 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.**

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,



Joanna Williams, P.E.  
Water Resource Engineer

Ec: Subdivision File 26468  
Permit No. 174104

# Petrock & Fendel, P.C.

Attorneys

James J. Petrock • Frederick A. Fendel, III • Matthew S. Doznanovic • Bradford D. Benning

Gary J. Crosby, Paralegal

January 17, 2018

El Paso County Planning  
2880 International Circle, #110  
Colorado Springs, CO 80910

Re: Proposed Water Supply/Three Residential Lots on 40 Acres/3980 Walker Road/Scott and Susan Mikulecky

Dear Sir or Madam:

The following provides information on the water supply to serve three residential lots on the captioned parcel being the NE1/4SW1/4 of Section 11, T11S, R66W of the 6<sup>th</sup> P.M. (Subject Property). This letter is based on amounts of Denver Basin groundwater underlying the Subject Property as referenced in the Denver Basin Rules, and provides no opinion on the actual physical supply of groundwater available.

## ANNUAL AMOUNTS

The following annual amounts of groundwater are estimated to be available underlying the Subject Property based on annual pumping over a 100 year period. The Dawson aquifer groundwater is not nontributary and the Denver, Arapahoe, and Laramie-Fox Hills aquifer groundwater is nontributary.

<u>Aquifer</u>	<u>Annual Amount</u>
Dawson	35 acre-feet (NNT)
Denver	35 acre-feet (NT)
Arapahoe	17 acre-feet (NT)
Laramie-Fox Hills	13 acre-feet (NT)

## PROPOSED SUPPLY

For purposes of this letter, each lot will be served by an individual well into the nontributary Denver aquifer. Each of the three wells will withdraw 0.75 acre-feet per year for 300 years for the following uses:

- A. Inhouse Demand: 0.35 acre-feet per year.
- B. Irrigation Demand: 0.35 acre-feet per year limited to irrigation of 6000 square feet of home lawn, garden and trees.

- C. Stockwatering Demand: 0.05 acre-feet per year for watering of 4 large domestic animals.

Total demand for the three lots will be 2.25 acre-feet per year for each 100 year period (225 acre-feet total) and 675 acre-feet total.

#### USE OF DAWSON AQUIFER WATER

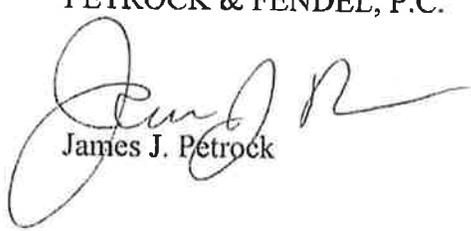
There is an existing Dawson aquifer well located on the Subject Property (Permit No. 174104) which can continue to be used to serve one lot for the same amount and uses described above. There is also sufficient Dawson aquifer groundwater available to provide the same amount and uses described above for two Dawson aquifer wells to serve the remaining two lots. It is understood that the State cannot approve use of the Dawson aquifer groundwater (through the existing well and two additional wells) until an augmentation plan to allow that use has been approved by the Water Court. Such a case is pending, and Applicant reserves the right to use Dawson aquifer wells to serve the three lots at such time that the case has been approved by the Water Court.

#### WATER SUPPLY SUFFICIENCY

The amount of groundwater in the nontributary Denver aquifer underlying the Subject Property is sufficient to provide in house, irrigation, and stock watering use to serve the three lots on the Subject Property as described above, and subject to use of Dawson aquifer groundwater when the pending augmentation plan is completed.

If you have any questions or comments, please feel free to call.

Sincerely,  
PETROCK & FENDEL, P.C.

  
James J. Petrock

JJP:gjc