



October 27, 2023

Ashlyn Mathey
El Paso County Planning and Community Development
Transmission via portal EDARP

**Re: Seder Subdivision VR
Sec 32, T13S, R65W of the 6th PM
Water Division 2, Water District 10**

Dear Ashlyn Mathey;

We have reviewed your October 17, 2023 submittal concerning the above referenced proposal to subdivide 9.37 acres into 2 lots; lot 1 consisting of 2.76 acre and Lot 2 consisting of 6.58 acres. This project is a replat of Akers Acres Subdivision, Lot 7.

Water Supply Demand

According to the submittal, no future development of the new lots has been planned. The water requirements for the existing building on Lot 1 will remain the same, and the estimated water use for Lot 2 is based on the lot being used as an RV/boat storage yard with a small office. The total water requirement for the subdivision has been estimated to be 1.3 acre-feet per year.

Source of Water Supply

The proposed water supplier is the Cherokee Metropolitan District (“District”). The District has provided a letter dated September 6, 2023 committing to serve the subdivision. Information in our files indicates the district has approximately 830 acre-feet per year of Denver Basin ground water available for additional commitments.

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 12.8 acre-feet/year would be reduced to one third of that amount, or 4.27 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 As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.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) 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.

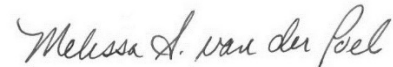


Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision

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.

Should you have any questions, please contact Melissa A. van der Poel of this office at 303-866-3581.

Sincerely,

A handwritten signature in cursive script that reads "Melissa A. van der Poel".

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

cc: Subdivision File 31006