



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

December 7, 2021

John Green
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Ohana Acres Minor Subdivision - Final Plat
File # SF2141
Part of the NW1/4 of the NW1/4 of Section 30, T13S, R63W, 6th P.M.
Upper Black Squirrel Creek Designated Ground Water Basin
Upper Black Squirrel Creek Groundwater Management District
Water Division 2, Water District 10

Dear Mr. Green:

We have reviewed the information received by this office on November 24, 2021, on the above referenced proposal to subdivide approximately 19.31 acres into four lots of approximately 5 acres each. The proposed minor subdivision will create four lots, all of which are intended for single-family residential use.

Water Supply Demand

According to the Water Supply Information Summary Sheet provided, the estimated water requirement for the subdivision totals 7.56 acre-feet/year, consisting of 1 acre-foot/year/lot for each of the four residential lots (4 acre-feet total), 3 acre-feet for the irrigation of 4 acres and 0.56 acre-feet for the watering of 10 head of livestock.

Source of Water Supply

Each lot will be served by a proposed individual on lot well withdrawing the allocation for the Arapahoe aquifer approved in Determination of Water Right No. 3714-BD.

Determination of Water Right No. 3714-BD was issued June 26th, 2019 pursuant to section 37-90-107(7), and the Designated Basin Rules, 2 CCR 410-1 ("Rules"). The determination allocates 755 acre-feet (7.55 acre-feet per year based on a 100-year aquifer life) of water from the Arapahoe aquifer underlying 19.31 acres generally described as a portion of the NW1/4 of the NW1/4 of Section 30, Township 13 South, Range 63 West of the 6th P.M. ("Overlying Land"). The allowed place of use is the above-described 19.31-acre Overlying Land. The use of the groundwater under 3714-BD is limited to in-home, lawn and gardens, domestic animals, commercial, agricultural, stock and replacement.

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 amount of water determined in 3714-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.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 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 7.55 acre-feet/year would be reduced to one third of that amount, or 2.51 acre-feet/year, which is less than the annual demand for this subdivision.

The Water Supply Information Summary references existing well 53485-A. As described in the attached February 29, 1996 memorandum, which is a part of the well permit files, the well on the subject property was constructed in April 1986 without a valid well permit. In addition, a well construction report was never submitted for the well, therefore the source of the well is unknown. Should the applicant wish to use the existing well as a water supply for the proposed lots a valid large capacity well permit would need to be obtained for the well. Depending on the source of the well a Commission approved replacement plan may be required in order to obtain a large capacity well permit for the existing well.

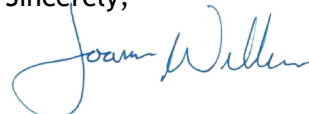
State Engineer’s Office Opinion

Based on the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., the State Engineer’s Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. **Prior to further review of the subdivision water supply plan the following information is required:**

1. The Applicant must provide a subdivision water supply plan that is consistent with El Paso County’s 300-year water supply requirement and does not exceed the amounts allocated in the Determination.
2. The Applicant must clarify if the existing well on the property will as a water supply for the proposed lots or if the well will be plugged and abandoned prior to subdivision approval. If the well will be used then the Applicant must demonstrate that a valid large capacity well permit has been obtained for the well.

Should you or the applicant have any questions, please contact Melissa Van Der Poel at (303) 866-3581 x8208.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Division 1 Division Engineer
District 1 Water Commissioner
SEO Subdivision file: 28860