



August 29, 2024

Joe Letke, Project Manager  
El Paso County Planning and Community Development  
Transmission via EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Renehan Minor**  
File #: MS238  
Part of the E ½ of the SE ¼ of Section 13, Township 12 South, Range 66 West, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Referral No. 30963

Dear Joe Letke:

We have reviewed the above-referenced proposal to subdivide a 34.28-acre parcel at 5740 Burgess Road (parcel no. 6213000050) into 3 lots. Lot 1 will be 8.619 acres, Lot 2 will be 17.057 acres, and Lot 3 will be 8.692 acres. A home will be constructed on two of the lots and the third lot will serve a barn with living quarters. The lots will be served by individual wells constructed in the not-nontributary Dawson aquifer.

The comments in this letter supersede our comments dated September 27, 2023.

### Water Supply Demand

According to the Water Resources Report prepared by RESPEC revised August 2024, the proposed water use for three single-family equivalents (SFEs) is indoor use, irrigation, and domestic animal watering with a total demand of 2.4 acre-feet/year.

### Source of Water Supply

The proposed source of water is individual on-lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the decree and plan for augmentation in case no. 00CW99. The plan for augmentation decreed in case no. 00CW99 allows for an average diversion of 3.2 acre-feet annually for a maximum of 300 years for four wells serving single-family residences. Each well is limited to diverting 0.8 acre-feet/year for in-house residential use, stock watering, and irrigation of lawns, gardens, and landscaping. The proposed uses for the subdivision are allowed by the decree.

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 section 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 amount of water available pursuant to case no. 00CW99 is 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 at that rate 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 300 years, the allowed average annual amount of withdrawal decreed in case no. 00CW99 would be reduced to one third of that amount, or 3.66 acre-feet/year of which 3.2 acre-feet/year is augmented which is 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.

Evidence that the Applicant (Bradley W. Renehan, Sandra L. Renehan, Jeffrey N. Renehan, and Julie A. Renehan) own the water rights granted in case no. 00CW99 was provided with the referral. Applications for on lot well permits, submitted by an entity other than the current water right holder, must include evidence that the applicant has acquired the right to the portion of water being requested on the application (e.g. a water transfer deed).

### **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.

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 aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. 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.**

Please contact Wenli Dickinson at 303-866-3581 x8206 or [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) with any questions.

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer