



September 27, 2023

Joe Letke, Project Manager
El Paso County Planning and Community Development
Transmission via EDARP Portal: 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, 6th P.M.
Water Division 2, Water District 10

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. A house and barn are proposed to be constructed on Lots 2 and 3. The lots will be served by individual wells constructed in the not-nontributary Dawson aquifer.

Water Supply Demand

According to the Water Resources Report prepared by RESPEC dated September 2023, 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 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 Therefore, the water may be withdrawn at that rate for a maximum of 100 years.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 three hundred years, the allowed average annual amount of withdrawal 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 (LGA Studios and Jeffrey, Julie, Brad and Sandy Renehan) own the water rights granted in case no. 00CW99 was not provided with the referral.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(l), C.R.S., this office has not received enough information to provide an opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. **Prior to further review, the Applicant must provide evidence that they own the water rights granted in case no. 00CW99.**

Please contact Wenli Dickinson at 303-866-3581 x8206 or Wenli.Dickinson@state.co.us with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file no. 30963