



December 28, 2023

Christian Haas
El Paso County Planning and Community Development
Transmission via EDARP portal

**Re: Ponderosa Pines Estates, EA2323, VR2324
Secs. 14 and 15, T8S, R65W of the 6th PM
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 31125**

Dear Mr. Haas:

We have reviewed your December 20, 2023 submittal concerning the above referenced proposal to subdivide two adjoining parcels comprising 3.07 acres into 4 lots ranging in size from 0.5 acres to 1.0 acre.

Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the four lots are 0.25 acre-foot per household for household use only, totaling 1.0 acre-foot.

Source of Water Supply

The proposed water supplier is the Forest View Acres Water District (“District”). The District has provided a letter dated August 7, 2023 committing to serve Lot 1 of the subdivision. Information in our files indicates the District has approximately 11.65 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.”

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.



Our opinion is qualified by the following:

A commitment letter was provided to the County for Lot 1 (which will produce two lots in the subdivision process) of the subdivision. An additional letter that also includes Lot 2 (which will produce two lots in the subdivision process) must be provided by the District.

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.

Additional Comments

The application materials indicate that the project will collect storm flows in a detention pond. The applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

Should you have any questions, please contact me at 303-866-3581.

Sincerely,



Melissa A. van der Poel, P.E.
Team Leader, Team 237

cc: Subdivision File 31125