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

November 6, 2026

Lacey Dean
El Paso County Development Services Department
Sent via online portal at: https://epcdevplanreview.com/Agencies/Home

Re: 2825 and 2819 Slocum Road – Minor Final Plat
Part of the SW ¼ of Sec. 36, Twp. 13S, Rng. 64W, 6th P.M., El Paso County
Water Division 2, Water District 10
Upper Black Squirrel Creek
File Number: SF2623
CDWR Assigned Referral No. 34817

Dear Lacey Dean,

We have received the above-mentioned proposal to subdivide one existing 38.46-acre parcel into two 19.03 acre-lots. The proposed water supply is one existing Denver aquifer well and one proposed Arapahoe aquifer well. Wastewater will be handled by on-site septic disposal systems. This office previously provided comments regarding this subdivision on October 19, 2026. This comment letter corrects the county from Elbert to El Paso and supersedes those prior comments.

Water Supply Demand

According to the Water Resources Report dated July 29, 2026, the water supply demands for each lot will be 0.372 acre-feet/year. The total water supply demand for the subdivision will be 0.744 acre-feet/year. The existing well (Permit no. 224450) completed into the Denver aquifer would operate pursuant to Replacement Plan 4864-

RP and a new Arapahoe aquifer well would be drilled pursuant to Basin Determination 4863-BD.

Source of Water Supply

A review of our records show Determination of Water Right Nos. 4862-BD (Laramie-Fox Hills aquifer), 4863-BD (Arapahoe aquifer), and 4864-BD / 4864-RP (Denver aquifer) were issued by the Ground Water Commission on May 11, 2026, for 38.46 acres of overlying land in the SW ¼ of Sec. 36, Twp. 13S, Rng. 64W, 6th P.M., which encompasses the subject parcel.

A review of our records indicates that small-capacity permit no. 224450 was issued pursuant to CRS 37-90-105 on March 23, 2002. The permitted uses were domestic purposes inside two single family dwellings and the irrigation of 10acre of lawn and garden. The well construction and test report indicates the well was drilled on March 23, 2000, to a depth of 300 feet and completed into the Denver aquifer.

The Applicant proposes to re-permit the existing well completed into the Denver aquifer pursuant to Basin Determination 4864-BD and Replacement Plan 4864-RP. The replacement plan, approved May 11, 2026, states that the allowed annual amount of groundwater to be withdrawn from the (Denver) aquifer by all wells operating under this plan shall not exceed 0.372 acre-feet (300 years). The allowed use of groundwater for the well is in-house use, watering of domestic animals, livestock, fire suppression, wildlife, indoor and outdoor irrigation use and replacement either directly or after storage. The land on which the well will be located is the 38.46-acre subject parcel.

The proposed water supply for the second lot is individual large-capacity on-lot well producing from the not nontributary 4% Arapahoe aquifer under Determination of Water Right No. 4863-BD.

Determination of Water Right no. 4863-BD was approved pursuant to section 37-90-107(7) and the Findings and Order of the Ground Water Commission dated May 11, 2026. The Determination allocated 687 acre-feet of not nontributary 4% Denver aquifer groundwater underlying 38.46 acres in the SW ¼ of Sec. 36, Twp. 13S, Rng. 64W, 6th P.M., for domestic, livestock, domestic animals, irrigation (indoor and outdoor) recreation, fire suppression, wildlife, and replacement either directly or after storage. The allowed average annual withdrawal amount under the Determination is 6.87 acre-feet per year, and the allowable place of use is the overlying 38.46 acres of land subject to the determination.

Small capacity wells will not be available in a new subdivision, therefore new large capacity well permits would be required to be obtained for the proposed lots pursuant to the Determination of Water Rights and Replacement plan listed above.

The proposed source of water for this subdivision is bedrock aquifers 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 amounts of water determined in 4863-BD and 4864-BD / 4864-RP 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 provide a water supply. However, treating El Paso County's requirement as an **allocation** approach based on three hundred years, the allowed average annual amount of withdrawal of 6.87 acre-feet/year would be reduced to one third of that amount, or 2.29 acre-feet/year, plus 0.372 acre-feet/year, 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.

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 on the subdivided land 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 Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, 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 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 Applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

Should an underdrain system be required for this subdivision due to high groundwater tables. A permanent dewatering system for a multiple-lot subdivision that is designed to lower the groundwater table under the entire subdivision or that collects water from multiple perimeter drains around single family dwellings and conveys the water to a different location, would be required to obtain a large capacity well permit and

replacement plan. A permanent dewatering system serving one single-family dwelling, such as a typical sump and pump would not require a large capacity well permit and replacement plan so long as there is no beneficial use of the water other than incidental use associated with normal discharge and the water is returned to the aquifer with efforts to ensure minimal consumption. The preceding comments regarding dewatering systems are provided as advisory comments only, and do not alter the State Engineer Office's opinion provided above.

Please contact Ivan Franco at 303-866-3581 x8243 or at Ivan.Franco@state.co.us with any questions.

Sincerely,



Ivan Franco, P.E.
Water Resources Engineer

Ec: Well permit no. 224450