



September 20, 2024

Joe Letke  
El Paso County Planning and Community Development  
Transmission via EDARP portal

**Re: Mary Jane Ranch Minor Subdivision EA2311 MS242  
NW1/4 Sec. 15, T13S, R63W of the 6th PM  
Water Division 2, Water District 10  
CDWR Subdivision 31280**

Dear Mr. Letke;

We have reviewed your September 9, 2024 submittal concerning the above referenced proposal to subdivide 40 acres into 4 lots of approximately 9 - 10 acres each. This office previously provided comments dated April 4, 2024 for this subdivision.

### Water Supply Demand

According to the most recent submittal, the proposed uses and estimated water requirements for the four lots are for each lot, 0.26 acre-feet for household use and 0.5 acre-feet for irrigation of lawns and gardens per year. The total for the subdivision is 3.04 acre-feet annually.

### Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Arapahoe aquifer that will operate pursuant to the Determination of Water Right No. 4473-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 4473-BD is 15.3 acre-feet.

The subdivision lies within the allowed place of use of Determination of Water Right no. 4473-BD and the proposed uses are uses allowed by that Determination.

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 amounts of water determined in XXXX-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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 15.3 acre-feet per year would be reduced to 5.1 acre-feet per 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.

Our records indicate that an exempt well with permit no. 228255 exists within the proposed development. The calculation of the Determination of Water Right No. 4474-BD has estimated the amount of groundwater withdrawal for this well as 1 acre-foot per year for 100 years, and has reduced the total allocation of the Denver aquifer accordingly. The Water Resources Report dated July 16, 2024, states that this well will be plugged and abandoned upon approval of the subdivision. Should this not happen, a replacement plan for the Denver aquifer will be required in order to continue use of this well.

**State Engineer's Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S. and section 30-28-136(1)(h)(II), C.R.S. it is our opinion that the proposed water supply 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.

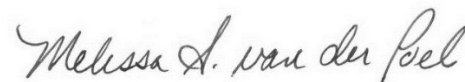
Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

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.

Should you have any questions, please contact [Evaluator] of this office at 303-866-3581.

Sincerely,



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

cc: Subdivision File 31280  
Water well permit no. 228255