



John W. Hickenlooper
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Executive Director

Kevin G. Rein, P.E.
Director/State Engineer

March 27, 2018

Kari Parsons
El Paso County Development Services Department
Transmission via email: kariparsons@elpasoco.com

**RE: Abert Ranch Preliminary Plan
Part of the NE1/4 of Section 23 and part of the NW1/4 of Section 24, all in T11S, R66W, 6th P.M.
Water Division 1, Water District 8**

Dear Ms. Parsons:

We have reviewed the additional information received on March 22, 2018 concerning the above referenced proposal to subdivide a 39.83-acre parcel into 10 residential single-family lots ranging in size from 2.5 acres to 6.0 acres. Residential lots will be served by individual on-lot wells and septic systems. The Applicant obtained a decree for underground water rights and an augmentation plan for Dawson aquifer wells in Water Court in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2). We have previously provided comments on this proposal by our letter dated September 5, 2017.

In our previous letter we indicated that the Applicant dedicated up to 0.29 acre-feet/year/lot for other unspecified uses. Since, the unspecified uses were not specifically spell out, we recommended that Applicant provide information on the other unspecified uses and ensure that those uses are allowed by the decree in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2).

According to the additional information provided from the Applicants' water attorney Mr. Henry D. Worley, the allowed uses which are not specified submitted with the original referral are allowed by the decree. Mr. Worley indicated that the presumed landscape irrigation return flow of no less than 0.18 acre-feet/year/lot would be sufficient to replace depletions during the entire 300 year pumping period. We note that the presumed return flow of 0.18 acre-feet/year/lot is from indoor uses using the nonevaporative septic system and so long as there is an occupied residence on any lot using a Dawson aquifer well the replacement requirement will be satisfied during the pumping period.

According to paragraph 14 of the decree in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2), uses of water on the proposed lots are expected to be, but shall not be limited to, some or all of the following uses: for indoor uses for drinking and sanitary purposes in the principal houses and in stand-alone home offices or guest cottages, for livestock watering, for landscape and garden irrigation, hot tubs, swimming pools, and decorative uses such as decorative ponds and fountains, and augmentation through septic system return flows. Thus, Mr. Worley indicated in the March 22, 2018 letter that the other uses to which a lot owner may put such water are not limited to those listed in the decree but they may be for any use, provided that such uses are both non-speculative and beneficial.

Based on the above, we note that an applicant must demonstrate the uses applied for are non-speculative and water can be put to beneficial use and each Dawson aquifer well would not exceed an annual amount of withdrawn of 0.8 acre-feet/year.



State Engineer's Office Opinion

Based upon the above we reiterate that 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 previous comments regarding any storm water detention structure proposed for this subdivision still apply.

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 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 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.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision File 24099