



April 3, 2024

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

**Re: McLean - Hodgen Subdivision EA2398 MS243
NE1/4 NE1/4 Sec. 28, T11S, R66W of the 6th PM
Water Division 2, Water District 10**

Dear Mr. Letke:

We have reviewed your March 19, 2024 submittal concerning the above referenced proposal to subdivide 38.68 acres into 2 lots; one of which will be approximately 20.25 acres and the other 18.41 acres.

Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the four lots are as follows:

- One lot has an existing well, permit no. 223432, which pumps 1 acre-foot annually for household use, irrigation of lawn and gardens, watering of domestic animals and stock, and fire protection.
- The second lot will utilize 0.26 acre-feet for household use, and up to 0.74 acre-feet for a combination of lawn and garden irrigation and livestock watering.

Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Lower Dawson aquifer that will operate pursuant to the pending decree and plan for augmentation in case no. 2023CW3041. The allowed average annual amount of withdrawal decreed in case no. 2023CW3014 from the Lower Dawson aquifer is 26.8 acre-feet. The plan for augmentation decreed in case no. 2023CW3014 allows for an average diversion of 8.93 acre-feet annually for a maximum of 300 years. **At the time of this review, the decree had not been signed, therefore, the amounts are not final.**

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 37-90-137(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 amounts of water decreed in 2002CW099 are 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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."



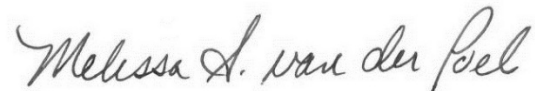
The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 26.8 acre-feet/year would be reduced to one third of that amount, or 8.93 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

Pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer offers the preliminary opinion that the proposed water supply plan, when decreed by the water court as proposed, will not cause material injury to existing water rights and may be adequate. However, we will provide our final opinion only after the water court decree is signed and the county has resubmitted the water supply plan for our review.

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

Sincerely,

A handwritten signature in cursive script that reads "Melissa A. van der Poel".

Melissa A. van der Poel, P.E.
Water Resources Engineer

cc: Subdivision File 31279
Water well permit no. 223432