



September 23, 2024

Ryan Howser  
El Paso County Planning and Community Development  
Transmission via EDARP portal

**Re: Knecht Minor Subdivision EA2289 SF2419  
NW ¼ Sec. 18 and 15, T12S, R64W of the 6th PM  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Groundwater Basin  
CWDR Subdivision**

Dear Ryan Howser:

We have reviewed your September 12, 2024 submittal concerning the above referenced proposal to subdivide 21.03 acres presently comprising 3 parcels into 5 residential lots ranging in size from 1 to 5 acres.

### Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the five lots are 0.5 acre-feet per lot, to be allocated as 0.26 acre-feet for household use, 0.196 acre-feet for irrigation and 0.044 acre-feet for large animal watering.

### Source of Water Supply

The proposed source of water is individual on lot wells producing from the nontributary Dawson aquifer that will operate pursuant to the pending amendment to the Determination of Water Right and replacement plan No. 3357-BD. The amended replacement plan for Determination of Water Right 3357-BD allows for an average diversion of 3.77 acre-feet annually for a maximum of 300 years. **At the time of this review, the Determination of Water Right and associated Replacement Plan have not been approved, therefore, the amounts are not final.**

The subdivision lies within the allowed place of use of Determination of Water Right no. 3357-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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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 11.3 acre-feet/year would be reduced to one third of that amount, or 3.77 acre-feet/year, which is greater for a maximum of 300 years.

**State Engineer's Office Opinion**

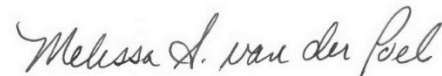
Based upon the above and pursuant to Section 30-28-136(1)(h)(I C.R.S., it is our opinion that the proposed water supply is not adequate and can not be provided without causing injury to decreed water rights. **Prior to further review of the subdivision water supply plan the following information is required:**

1. The applicant shall apply to re-permit well permit nos. 77690 and 87434-F to match the Determination and Replacement Plan 3357-BD and 3357-RP.

**Since the water supply will rely on water which is the subject of the proposed Determination of Water Right, the Determination of Water Right must be approved by the Ground Water Commission before the State Engineer's Office will provide favorable comment on the subdivision water supply plan.**

Should you have any questions, please contact me at 303-866-3581 ext 8208.

Sincerely,



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

cc: Subdivision File  
Water well permit nos, 77690, 87434-F