



April 12, 2022

Kylie Bagley
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: High View Estates Subdivision AKA 6665 Walker Road Minor Subdivision
NW ¼ of the NE ¼, Sec. 18, T11S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Kylie Bagley,

We have reviewed the information received by this office on March 28, 2022 regarding the above referenced referral. The Applicant is proposing to subdivide 40 acres into five lots.

Water Supply Demand

According to the submittal the estimated water requirements total 5 acre-feet annually (1.0 acre-feet/lot), for in-house use in 5 residences, irrigation of 1.28 acres of home gardens and lawns, and watering of 10 large domestic animals total.

Source of Water Supply

The proposed source of water is individual on-lot wells, including the existing well currently operated under permit no. 130940, producing from the not-nontributary Dawson aquifer that will operate pursuant to the decree and plan for augmentation in Division 1 Water Court case no. 2021CW3119. The plan for augmentation approved in case no. 2021CW3119 allows for an average withdrawal of 5 acre-feet annually from the Dawson aquifer for a maximum of 300 years. According to the decreed augmentation plan 5 acre-feet per year will be withdrawn through five wells, including the existing well currently operated under permit no. 130940 (with the requirement to re-permit the well pursuant to the augmentation plan) limited to 1 acre-foot per year per well to be used for indoor use, irrigation of lawn and garden and the watering of domestic animals and livestock.

Well permit no. 130940 was issued on June 24, 1983 pursuant to section 37-92-602(3)(b)(I), C.R.S. for a well on 80 acres to withdraw groundwater from the Dawson aquifer for domestic use. Section 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. **Prior to further evaluation of the water supply plan, the well must be re-permitted pursuant to the water court approved augmentation plan and the Applicant must clarify on which lot the existing well will be located and serve.**

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 2021CW3119 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.

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 “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 proposed annual water demand equals the allowed average annual amount of withdrawal of 5 acre-feet per year, allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for on lot well permits, submitted by an entity other than the current water right holder (Collin Brones), must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

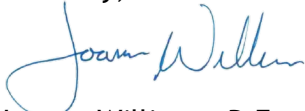
State Engineer’s Office Opinion

Based on the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer’s Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. Prior to further review of the subdivision water supply plan the following information is required:

1. The applicant must re-permitted the existing well, permit no. 130940, pursuant to a water court approved augmentation plan decreed in Division 1 Water Court Case no. 2021CW3119 and clarify on which lot the well will be located and serve.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision file: 29145
File permit no. 130940