COLORADO
Division of Water Resources
Department of Natural Resources

November 12, 2026

Jen Uhler
El Paso County Development Services Department
Sent via online portal at: https://epcdevplanreview.com

RE: **Hancock Subdivision VR – Final Plat**
Part of the NE1/4 of Section 36, Twp. 11S, Rng. 67W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 34039

Dear Jen Uhler:

This office has received additional information regarding the subdivision of approximately 5.04 acres into two lots. Lot-1 will be approximately 2.53 acres, and Lot-2 will be approximately 2.52 acres in size. This office has record of one existing exempt residential well located on the property. The proposed supply of water will be two connections to Donala Water and Sanitation District ("District) with wastewater is to be disposed of through individual septic disposal systems. This office previously provided comments regarding this subdivision on September 16, 2025, and June 25, 2026. The comments contained herein shall supersede all prior comments.

Water Supply Demand

According to the Water Resources Report prepared by Respec dated October 2026, the projected demand for each lot will be 0.30 acre-feet per year for all uses. This amounts to a total water supply of 0.60 acre-feet per year for the subdivision.

Source of Water Supply

The proposed source of water supply is service provided by the Donala Water and Sanitation District. According to the letter dated June 2, 2026, the District is committed to serving the Hancock subdivision with 0.60 acre-feet per year.

Records from our office indicate well permit no. 150286 is located on the subject property. Permit no. 150286 was issued on December 29, 1987, pursuant to section 37-92-602(3)(b)(I), C.R.S. Upon subdivision approval, the land on which this well is located will no longer include the full 5 acres considered at the time this permit was issued, rendering the well out of compliance with its permit. Furthermore, 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. Therefore, to prevent material injury the Applicant has indicated that this well permit will be canceled and the well plugged and abandoned upon subdivision approval.

According to the Water Resources Report prepared by RESPEC dated October 2026 ("Report"), and records in our office, the District has a water supply of 1,960.33 acre-feet/year based on a 100-year supply. The report also included an Addendum (2025) which claims an estimated near-term future average demand of 834 annual acre-feet. Therefore, there appears to be sufficient legal water supply for this development on a 100-year basis. The District claims to have both a policy and a legal obligation only to commit to serving a 100-year supply to any subdivision within its service area.

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 section 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 to the District 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 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 100 years, the allowed average annual amount of withdrawal is greater than the annual demand of the Districts commitments. As a result, the water may be withdrawn in those annual amounts for 100 years.

Additional Comments

The application materials indicate that a stormwater detention structure may be a part of this project. The applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal to meet the notification requirements.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), 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 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 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 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. 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 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.

Please contact Ivan Franco at 303-866-3581 x8243 or at Ivan.Franco@state.co.us with any questions.

Sincerely,



Ivan Franco, P.E.
Water Resources Engineer