



November 22, 2022

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Eagleview Estates
Sec. 26, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 20418

To Whom it May Concern:

We have received the submittal concerning a revised plan to subdivide 121 acres into 38 residential lots with an average size of 2.95 acres. This office previously commented on Eagleview Estates on August 30, 2007, this letter supersedes the August 30, 2007 letter. The proposed supply of water for this development is to be served by individual on-lot wells and wastewater is to be served by individual septic systems.

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, that was included with the referral materials indicates 17.86 acre-feet/year will be required to supply the development. This breaks down annually to 0.25 acre-feet/lot for 38 lots (9.5 acre-feet total); 0.1564 acre-feet/lot for irrigation of 2,000 square-feet of landscaping (5.943 acre-feet total); 0.0636 acre-feet/lot for watering of 4 horses (2.4168 acre-feet total).

Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the Determination of Water Right No. 746-BD and Replacement Plan 746-RP. The Replacement Plan allows 38 wells, each of which may withdraw 0.47 acre-feet of groundwater for household use, the irrigation of up to 2,000 square-feet of lawn and garden, and the watering of four domestic animals. The Replacement Plan covers diversions for a period of 300 years.

The subdivision lies within the allowed place of use of Determination of Water Right no. 746-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 746-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 53.7 acre-feet/year would be reduced to one third of that amount, or 17.9 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)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate.

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 on the subdivided land 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 Ground Water Commission 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 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 have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Kate Fuller". The signature is written in a cursive, flowing style.

Kate Fuller, P.E.
Water Resources Engineer