



January 23, 2023

Ryan Howser
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Miles Subdivision AKA Terra Ridge North
Part of the E ½ of the SW ¼, Section 29, T11S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Ryan Howser,

We have reviewed the information received by this office on December 21, 2022 regarding the above referenced referral. The Applicant is proposing to create a 13 lot subdivision on 52.63 acres, to subdivide 39.72 acres portion into 11 lots and to vacate and re-plat of two adjacent existing lots known as Lots 5 and 6 of Terra Ridge Estates. This office previously commented on subject referral in a letter dated December 30, 2020 and July 1, 2021 for a 9 lot subdivision. This letter supersedes the previous letters.

Water Supply Demand

According to the Water Supply Information Summary and the Terra Ridge North Minor Subdivision Water Resources Report & Wastewater Treatment Report by JDS-Hydro Consultants dated December 2022 (“Water Resources Report”), the estimated annual demand for the 11 lots is 0.825 acre-feet per year per lot, which will be used for domestic indoor use (0.26 acre-feet), irrigation of 9,220 square-feet of lawn, garden and trees (0.522 acre-feet), and watering of up to 4 large domestic animals (0.044 acre-feet). The total estimated water requirement for the 11 lots is 9.08 acre-feet per year (0.825 acre-feet per year per lot) with the 11 lots on the 39.72 acres having a 300 year water supply. The two existing lots being replatted will continue to operate under the existing water supply operating pursuant to Division 1 Water Court case no. 96CW68.

Source of Water Supply

The proposed water source for the 11 lots on the 39.72 acres is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in Division 1 Water Court Case no. 22CW3066.

According to the Water Resources Report the proposed water source for one of replatted lots of Terra Ridge Estates will be an existing Dawson aquifer well permitted under well permit no. 53112-F. The proposed water source for the remaining replatted lot is an individual on lot well constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in Division 2 Water Court Case no. 96CW068.

Well permit no. 53112-F is constructed in the Dawson aquifer and operates pursuant to the decreed augmentation plan in Division 2 Water Court Case no. 96CW068 (Division 1 Water



Court Case No. 96CW146) and may withdraw 1.0 acre-foot per year for ordinary household purposes inside one single family dwelling, the watering of not more than four (4) domestic animals and the irrigation of not more than 13,000 square feet of home lawn and garden.

The decreed augmentation plan in Division 1 Water Court Case no. 22CW3066 allows for the annual withdrawal of 9.08 acre-feet per year from the not nontributary Dawson aquifer, based on a 300 year allocation approach. The augmentation plan states the ground water will be used for in house use in up to 11 residences (0.825 acre-foot per well) with remaining pumping entitlements available for other uses on the property.

The decreed augmentation plan in Division 2 Water Court Case no. 96CW068 allows for the annual withdrawal of 40 acre-feet from the not nontributary Dawson aquifer for 40 individual lots, based on a 100 year allocation approach. This augmentation plan was for Terra Ridge Estates Subdivision.

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 case nos. 96CW068 and 22CW3066 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 annual demand for the eleven lots discussed above is the same as the allowed average annual amount of withdrawal allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Since Lots 5 and 6 of Terra Ridge Estates that are being replatted are under the county's requirement in Chapter 5, Section 49.5, (D), (2) of a 300 year water supply for the subdivision, the 100 year augmentation plan decreed in Division 2 Water Court Case no. 96CW068 does not satisfy the county's 300 year water supply requirement. The Applicant must submit a water supply plan for replatted Lots 5 and 6 of Terra Ridge Estates that satisfies the county's 300 year water supply requirement.

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 submit a water supply plan for replatted Lots 5 and 6 of Terra Ridge Estates that satisfies the county's 300 year water supply requirement.

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

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file: 27451
File permit no. 53112-F