



October 28, 2021

Ryan Howser, Project Manager
El Paso County Development Services Department
Transmitted via the EPC EDARP Portal: epcdevplanreview.com

**Re: White Cottage Farm Minor Subdivision - 2nd Letter
Case No. MS217**
Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19, T11S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Ryan Howser:

We have reviewed the October 26, 2021 above-referenced proposal for a minor subdivision of an 8.02-acre parcel located at 16890 Thompson Road. This proposal seeks to remedy the fact that this lot was not legally subdivided. The lot, which was previously used as a dairy, will be converted into a business event center/bed and breakfast venue. This office previously provided comments for this subdivision on August 9, 2021.

Water Supply Demand

According to JDS-Hydro Consultants Water Resources Report dated March 2021 and amended September 2021 ("Report"), the estimated water demand is 1.40 acre-feet per year for 300 years for the following uses: household use in two residences (0.26 acre-feet/year per residence); lawn, garden, and orchard irrigation (0.57 acre-feet/year); use in an events center and dining hall to support patrons and staff (0.26 acre-feet/year); and stock watering (0.05 acre-feet/year).

Source of Water Supply

According to the submitted material, the proposed water supply source is up to three Dawson aquifer wells, including an existing well with permit no. 296012-A, to operate pursuant to the augmentation plan approved in Division 1 Water Court case no. 21CW3016.

Well permit no. 296012-A was issued September 14, 2016 pursuant to section 37-92-602(3)(c), C.R.S. for the replacement of the well permitted under well permit no. 296012. The replacement well was constructed under permit no. 296012-A on September 21, 2016. A condition of permit no. 296012-A required that the old well be plugged in accordance with Rule 16 of the Water Well Construction Rules within 91 days of completion of the new well; however, a well abandonment form for well no. 296012 was never received by our office.

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. Therefore, if any well within the subdivision, including existing wells, withdraws water from a not-nontributary source such as the Dawson aquifer, section 37-90-137(9)(c.5), C.R.S. requires a court-approved plan for augmentation for the well. This well will be covered under the augmentation plan decreed in Division 1 water court case no. 21CW3016. If the subdivision is approved and the well is not covered under a court-approved



augmentation plan, the well must be plugged and abandoned. An application to re-permit well no. 296012-A has not been filed with this office.

The proposed sources 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 amount of water available pursuant to case no. 21CW3016, once decreed, will be 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 one hundred (100) years.

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."

For this subdivision, less than 25 percent of the water supply is a renewable source of water. The State Engineer's Office does not have evidence regarding the length of time for which this source will provide a water supply. However, treating Elbert County's requirement as an allocation approach based on three hundred (300) years, the augmentation plan for the Dawson aquifer, once decreed, will allow an average annual withdrawal of 1.40 acre-feet/year for a period of 300 years. As a result, the Dawson aquifer water withdrawn pursuant to the augmentation plan could be used to satisfy the water requirement for the 300 years.

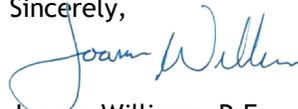
State Engineer's Office Opinion

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 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 file a Well Abandonment Report (GWS-09) to show well no. 296012 was plugged and abandoned, if such report has not already been filed with this office.
2. Evidence that an application to re-permit well 296012-A pursuant to the court approved augmentation plan has been submitted to the State Engineer's Office.

If you or the Applicant have any questions, please contact Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral No. 28819
Water Well Permit Nos. 296012 and 296012-A files