



October 21, 2024

Joe Letke  
El Paso County Planning and Community Development  
Transmission via EDARP portal

**Re: Lazy Y Minor Subdivision EA238 SF2428  
Sec. 7, T12S, R63W of the 6th PM  
Water Division 2, Water District 10**

Dear Joe Letke;

We have reviewed your October 2, 2024 submittal concerning the above referenced proposal to create 2 new lots from an existing 36.24 acre parcel. One lot will be 5.19 acres, one lot will be 28.72 acres, and the remainder will be considered a tract of 2.33 acres.

### Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the lots are as follows:

- Lot 1 will be an RV Park with 89 RV sites and 3 bath houses. Water estimates for this lot include 89 RV sites using 75 gallons per day each, and 3 bath houses using 398 gallons per day each, for a total of 7.92 acre-feet per year.
- Lot 2 will contain a single family household.
- There was no specified use for Tract A.

### Source of Water Supply

The proposed source of water is a proposed well producing from the not-nontributary Denver aquifer that will operate pursuant to the Determination of Water Right No. 4632-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 4632-BD is 12.9 acre-feet.

The subdivision lies within the allowed place of use of Determination of Water Right no. XXX-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 4632-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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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 12.8 acre-feet/year would be reduced to one third of that amount, or 4.27 acre-feet/year, which is greater [not 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

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), 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:**

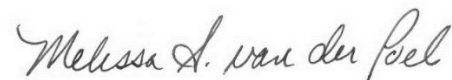
1. Water use on the entire 36.24 acre area needs to be quantified; not only the proposed parcel with the RV park.
2. No mention of 4632-BD was made on the WSIS or in the Water Resources report; the only mention was on the accompanying well permit.
3. Well permit no. 89137-F needs to be re-permitted for the new area. The report states that this well is being used for "permitted purposes only", but the well is permitted for the RV park and irrigation. No mention is made of the water supply for the proposed residential lot, nor any uses for Tract A.

### Additional Comments

The application materials indicate that the project will collect storm flows in a detention pond. 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), Colorado Revised Statutes, 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 *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

Should you have any questions, please contact me at 303-866-3581.

Sincerely,



Melissa A. van der Poel, P.E.  
Team Supervisor

cc: Subdivision File 32526  
Water well permit nos. 89137-F  
Martha Archuleta, Water Data Analyst  
Upper Black Squirrel Creek Groundwater Management District