



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES



September 19, 2008

Bill Ritter, Jr.  
Governor

Harris D. Sherman  
Executive Director

Dick Wolfe, P.E.  
Director

Carol Weber  
El Paso County Planning Department  
2880 International Circle, Ste. 110  
Colorado Springs, CO 80910-3127

**Re: Silverado Ranch (SF-08-012 & CDR-08-020) Final Plat Filing No. 1  
Section 16, T15S, R63W, 6<sup>th</sup> PM  
Upper Black Squirrel Creek Designated Ground Water Basin  
Water Division 8, District 10**

Dear Ms. Weber:

We have reviewed your September 27, 2008 submittal concerning the above referenced proposal to subdivide 108 acres into twenty single family residential lots of a minimum 2.5 acre size, and open space.

The new information submitted does not conflict with our letter of July 18, 2008 (copy enclosed) in which we provided a favorable opinion on the previous submission of the Preliminary Plat for the entire subdivision.

Should you have any questions in this matter, please contact Melissa Peterson of this office.

Sincerely,

Keith Vander Horst, P.E.  
Designated Basins Team Leader

KVK/MAP: Silverado Ranch Final Plat ltr.doc

Cc: Steven Witte, Division 2 Office  
Rich Snyder, Water Commissioner

**RECEIVED**

SEP 22 2008

EPC DEVELOPMENT SERVICES

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

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July 18, 2008

Carol Weber  
El Paso County Development Services Department  
2880 International Cr.  
Colorado Springs, CO 80910

**Re: Silverado Ranch, Preliminary Plan (SP-07-003)  
Section 16, T15S, R63W, 6th PM  
Upper Black Squirrel Creek Designated Ground Water Basin  
Division 8, District 10**

Dear Ms. Weber:

We have re-reviewed the January 30, 2007 submittal for the above referenced proposal to subdivide 320 acres to include 64 single-family residential lots and open space. This letter replaces our previous letters of May 7, 2007 and June 30, 2008.

**Water Supply Demand**

According to the Water Supply Information Summary, the estimated total demand for the subdivision is 25.6 acre-feet per year. This amount breaks down to 0.4 acre-feet/year for each lot, consisting of 0.30 acre-feet/year for in-house use and 0.10 acre-feet/year for the irrigation of approximately 1,200 square feet of lawn and gardens and the watering of two horses.

**Source of Water Supply**

The proposed source of water according to the Investigation is individual on-lot wells producing from the not-nontributary Laramie-Fox Hills aquifer under Determination of Water Right 325-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 325-BD is 76.8 acre-feet.

The subdivision lies within the allowed place of use of Determination of Water Right no. 325-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 325-BD are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin

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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 76.8 acre-feet/year would be reduced to one third of that amount, or 25.6 acre-feet/year, which is equal to 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 37-28-136(1)(h)(I), CRS, the State Engineer offers the opinion that the proposed water supply is adequate and can be provided without causing injury to existing 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 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 determination, 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. 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 100 years (or 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.

Carol Weber  
July 18, 2008

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If you have any questions, please contact Melissa Peterson of this office.

Sincerely,



*FOR* Kevin G. Rein, P.E.  
Chief of Water Supply

KGR/MAP: Silverado Ranch redo.doc

cc: Steve Witte, Division Engineer  
Tracy Doran, Upper Black Squirrel Creek GWMD