



April 25, 2023

Ashlyn Mathy
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127
CDWR Subdivision Referral No.

RE: Lot 104 Peyton Ranches Vacation and Replat
NW1/4 of Sec. 33 & SW1/3 of Sec. 28, Twp. 11S, Rng. 63W, 6th P.M.
Water Division 2, Water District 10

To Whom It May Concern:

We have received the submittal concerning the above-referenced proposal to replat the Lot 104 to include a portion that was created as an illegal subdivision.

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

Water Supply Demand

A Water Supply Summary Sheet was submitted with the referral that specified the total water demand for the subdivision as 1.0 acre-feet per year, for use in 1 single family dwelling and the irrigation of 0.37 acres.

Source of Water Supply

Based on the Water Resource Report the proposed water source is an individual on lot well in the Denver aquifer.

Determination of Water Right no. 3874-BD was issued by the Ground Water Commission (“Commission”) on February 20, 2020 for an allowed average annual amount of withdrawal of groundwater of 8.1 acre-feet from the Denver Aquifer (based on an aquifer life of 100 years) to be used on 17.01 acres generally described as the S1/2 of the SW1/4 of Section 28 and the N1/2 of the NW1/4 of Section 33, all in Township 11 South, Range 63 W of the 6th P.M. (“Overlying Land”). The 8.594 acres that are the subject of this referral are within the 17.01 acres of Overlying Land. The replacement water requirement for the 17.01 acres is not-nontributary (4% replacement).



Prior to withdrawing the not-nontributary (4% replacement) water from the 17.01 acres that overlie the the Denver aquifer, a Commission approved replacement plan must first be obtained.

According to our records the proposed well permit no. 238977 was never constructed, and the permit expired on February 19, 2004.

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 1146-BD and 1147-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.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

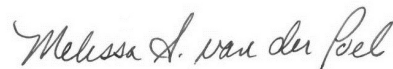
“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer's Office does not have evidence regarding the length of time for which these sources 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 8.1 acre-feet/year from the Denver aquifer would be reduced to one third of that amount, or 2.7 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

If you, or the applicant, have any questions, please contact me at 303-866-3581 ext. 8208 or Melissa.Vanderpoel@state.co.us

Sincerely,



Melissa A van der Poel, P.E.
Water Resources Engineer

cc: Upper Black Squirrel Creek GWMD
Well permit no. 211298
SEO Subdivision referral no. 20707
Rachel Zancanella, Division Engineer
Jacob Olson, North Regional Lead Water Commissioner District 10