



September 4, 2026

Lacey Dean, Project Manager

El Paso County Planning and Community Development Department

Transmitted via EDARP portal: epcdevplanreview.com

Re: Elk View Estates

File #: SF266

Part of the SW ¼ of the SE ¼ of Sec. 23, Twp. 12 South, Rng. 66 West, 6th P.M.

Water Division 2, Water District 10

CDWR Assigned Subdivision No. 34628

Dear Lacey Dean:

We have received the submittal concerning the above referenced proposal to subdivide 17.05 acres into five 2.5 acres single family lots and one 4.6 acres single-family lot. The proposed water supply is individual on-lot wells constructed in the not-nontributary Denver aquifer operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 25CW3026, including well permit no. 324442. Our office previously commented on the subject referral in a letter dated April 9, 2026, this letter supersedes the previous letter.

Water Supply Demand

According to the updated Water Supply Information Summary and Water Resources Report by Galloway dated June 2026, the estimated water demand for 6 household is 1.56 acre-feet/year, or 0.26 acre-feet/year per lot for the proposed uses of ordinary household purposes inside one single family dwelling.



Source of Water Supply

The proposed water supply is individual on-lot wells constructed in the not-nontributary Denver aquifer operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 25CW3026. There is an existing well permit, permit no. 324442, issued for the subject property to withdraw groundwater from the Denver aquifer and will expire on November 9, 2026 unless the well is constructed prior to the permit expiring. The decree in case no. 25CW3026 adjudicated all the groundwater underlying the subject property in the Denver aquifer and stated well permit no. 324442 will be allowed to expire or repermited pursuant to the decreed augmentation plan.

The plan for augmentation decreed in case no. 25CW3026 allows for an average diversion of 0.26 acre-feet per year per well for six wells for a maximum of 300 years. The allowed uses are domestic, irrigation, domestic animal and stock watering, agricultural, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. The total diversion from all six wells is 1.56 acre-feet per year. The proposed uses are allowed by the decree. It should be noted that the average annual amount of water usage for one single family dwelling is between 0.27 and 0.3 acre-feet. Therefore, the allowed annual amount to be withdrawn from each well may not be sufficient for any uses beyond that of one single family dwelling.

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 section 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 22CW3092 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.

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 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 would be reduced to one third of that amount, or 1.56 acre-feet/year as allowed by the 25CW3026 augmentation plan, which is **equal to** the annual demand for this subdivision of 1.56 acre-feet per year.

Applications for on lot well permits, submitted by an entity other than the current water right holder (Elk Ridge Developments, LLC.), must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

Additional Comments

The application materials indicate that a storm water detention structure will be constructed as a part of this project. 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), C.R.S., 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*, attached, 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 to meet the notification requirements, located at
<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(l), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed 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 is equal to 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 Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, 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. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. 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 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.

Please contact Ailis.Thyne@state.co.us or (303) 866-3581 x8216 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Ailis A. Thyne". The signature is written in a cursive, flowing style.

Ailis Thyne, P.E.

Water Resource Engineer

Attachment: Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado

Ec: Water well permit no. 324442 file