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STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

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Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

(Vacant)
State Engineer

August 30, 2007

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

**RE: Eagleview Estates Subdivision SP-06-021
Section 26, T12S, R65W, 6th P.M.
Upper Black Squirrel Creek Designated Ground Water Basin
Water Division 2, Water District 10**

Dear Ms. Weber:

We have reviewed your July 11, 2007 submittal concerning the above referenced proposal to subdivide 121 acres into thirty-eight residential lots of approximately three acres.

Water Supply Demand

According to the submittal, the estimated water requirements total 15.2 acre-feet annually. This amount breaks down to 0.4 acre-feet/year for each lot, consisting of 0.27 acre-feet/year for in house use and 0.13 acre-feet/year for irrigation.

Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the Determination of Water Right and Replacement Plan No. 746-BD. The Replacement Plan approved for Determination of Water Right 746-BD allows for thirty-eight wells, each of which may withdraw 0.47 acre-feet of ground water for household use, the irrigation of up to 2,000 square feet of lawn and garden area, and the watering of four (4) domestic animals. The well may also be used for commercial use for an in-home business operation provided that the total annual withdrawal does not exceed 0.47 acre-feet and that use fully supports the prescribed method of replacement of depletions. The Replacement Plan covers diversions for a period of 300 years.

The subdivision lies within the allowed place of use of Determination of Water Right no. 746-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 746-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 53.7 acre-feet/year would be reduced to one third of that amount, or 17.9 acre-feet/year, which is 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) 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 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 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
August 30, 2007

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

Sincerely,

A handwritten signature in cursive script, reading "Kevin G. Rein".

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

cc: Steven J. Witte, Division 2 Office
Rich Snyder, Water Commissioner
Designated Basins Branch
Subdivision File

KGR/MAP: Eagleview Estates Subdivision.doc