COLORADO
Division of Water Resources
Department of Natural Resources

John W. Hickenlooper
Governor

Robert Randall
Executive Director

Kevin G. Rein, P.E.
Director/State Engineer

March 21, 2018

Raimere Fitzpatrick
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Rollin Ridge Estates Preliminary Plan
Part of the NE ¼ of the NW ¼ and the NW ¼ of the NE ¼, Section 27, T11S, R66W, 6th P.M.
Water Division 1, Water District 8 & Water Division 2, Water District 10

Dear Mr. Fitzpatrick,

We have reviewed the submittal documents related to Rollin Ridge Estates Preliminary Plan, concerning the above referenced proposal to subdivide a 57 acre parcel into 16 single-family residential lots (minimum 2.5 acres per lot) and three commercial lots.

Water Supply Demand

Estimated water requirements were not provided for this development. If the proposed uses for the lots are different than those allowed by the augmentation plan described below an amended water supply plan must be submitted for further review.

Source of Water Supply

The proposed water source is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in the consolidated case in Division 1 Water Court Case no. 17CW3076 and Division 2 Water Court Case no. 17CW3027.

The there are two existing wells on the property with well permit nos. 81767-F and 81768-F. These wells are constructed in the Dawson aquifer and operate pursuant to the decreed augmentation plan in Division 1 Water Court Case no. 17CW3076 and may withdraw 0.55 acre-foot/year for ordinary household purposes inside one single family dwelling and the irrigation of not more than 3,500 square-feet of home lawns, gardens and trees.

The decreed augmentation plan in Division 1 Water Court Case no. 17CW3076 allows for the annual withdrawal of 13.2 acre-feet from the not nontributary Dawson aquifer for 16 individual lots, based on a 300 year allocation approach. The augmentation plan states the ground water allocation for each residential lot is 0.55 acre-feet per year for 300 years, which will be used for in house use (0.35 acre-feet), irrigation of 3500 square-feet of lawn, garden and trees (0.2 acre-feet) and 4.4 acre-feet shall be used for in building commercial use (4 acre-feet) and irrigation of 7000 square-feet of lawn, garden and trees (0.4 acre-feet).

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 37-90-137(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 consolidated case no. 17CW3076 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.

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."

Applications for on lot well permits, submitted by entities other than the water court Applicants must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), 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 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 Division 1 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 aquifers, 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.

The applicant should be aware that any storm water detention structure proposed for this location and extent, must meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, in order for the structure to be exempt from 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, located at https://maperture.digitaldataservices.com/gvh/?viewer=cswdif, to meet the notification requirements.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer