



March 15, 2018

Kari Parsons  
El Paso County Development Services Department  
Transmission via email: [kariparsons@elpasoco.com](mailto:kariparsons@elpasoco.com)

**RE: Settlers View Preliminary Plan  
Part of the NE1/4 of Section 23, T11S, R66W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 8**

Dear Ms. Parsons:

We have reviewed the additional information received on March 13, 2018 concerning the above referenced proposal to subdivide an approximately 40-acre parcel into 14 residential single-family lots at a minimum lot size of 2.5 acres each. Residential lots will be served by individual on-lot wells producing from the nontributary Dawson aquifer in accordance with the augmentation plan decreed in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2). There is an existing home and an existing well operating under with permit no. 75798-F located on the property. The home and the well will continue to be used on what will become Lot 2 of the Settlers View subdivision. We have previously provided comments on this proposal by our letter dated July 31, 2017.

In our previous letter we indicated that the Applicant dedicated up to 6.475 acre-feet/year for other specified or unspecified uses. Since, the unspecified uses were not specifically spell out, we recommended that Applicant provide information on the other specified or unspecified uses and ensure that those uses are allowed by the decree in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2).

According to the additional information provided from the Applicants' water attorney Mr. Henry D. Worley, the allowed uses which are not specified in the Water Supply Plan Summary submitted with the original referral are allowed by the decree and include: drinking and sanitary water for commercial uses, a stand-alone cottage or a guest house, and a hot tub/spa and or swimming pool. Lot owners may chose to use the Dawson aquifer well for none, one, or any combination of the above described uses allowed by the water decree in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2), so long as the well pumping does not exceed the allowed amount of 0.97 acre-feet/year or 1.0 acre foot/year for the existing well, permit no. 75798-F. If the existing well is expanded to be used for the above described uses the applicant must obtain a new well permit for this structure in accordance with Section 37-90-137(4) C.R.S. We note that the above described uses are allowed by the decree in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2).

#### **State Engineer's Office Opinion**

Based upon the above we reiterate that 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 previous comments regarding any storm water detention structure proposed for this subdivision still apply.



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.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" being larger and more prominent than the last name "Williams".

Joanna Williams, P.E.  
Water Resource Engineer

Ec: Subdivision File 24079  
File for permit no. 75798-F