



August 15, 2023

Ryan Howser, Project Manager
El Paso County Community & Development Services
Transmitted via email: ryanhowser@elpasoco.com

Re: Davis Sketch Plan (to be renamed)
File #: SP232
Part of the SE ¼ of Sec. 33 and Part of Sec. 34, Twp. 12 South, Rng. 64 West, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Ryan Howser:

We have received your above-referenced referral concerning the subdivision of approximately 398.91 acres located in the SE ¼ of Sec. 33 and Part of Sec. 34, Twp. 12 South, Rng. 64 West, 6th P.M. into 92 single-family residential lots, 2 commercial lots, and open space tracts. Each residential lot will be approximately 2.5 acres in size. Of the 398.91 acres, 353.74 acres will be subdivided into the 92 single-family lots and 5.78 acres will be subdivided into the two commercial lots. The proposed water supply for each lot is an individual on-lot well.

Water Supply Demand

The estimated water demand is approximately 0.443 acre-feet/year for the in-house use, irrigation, and domestic animal watering on the single-family lots, for a total residential water demand of 40.785 acre-feet/year. The estimated water demand for indoor commercial and commercial irrigation is 4.40 acre-feet/year. The total estimated water demand at full build-out is 45.185 acre-feet/year.

Source of Water Supply

The proposed water supply for each lot is an individual on-lot well. The wells will be drilled into the not-nontributary Denver aquifer. The Denver aquifer has a 4% replacement requirement beneath the portion of the property in Section 33 and the northwestern portion of the property in Section 34, and an actual impact replacement requirement beneath the southeastern portion of the property in Section 34. The applicant intends to apply for a determination of water right and replacement plan for the not-nontributary (actual impact replacement requirement) portion of the Denver aquifer. These applications have not yet been filed with this office.

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 allocated under determinations of water rights



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.

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 300 years, the allowed average annual amount of withdrawal would be reduced to one third of the allocated amount. **At the time of this review, the determination of water right and replacement plan have not been or approved, therefore the amounts are not final.**

A review of our records shows well permit nos. 143638, 163012, 326716, and 328577 located on the subject land.

Well permit nos. 143638, 163012, and 328577 are domestic wells permitted pursuant to section 37-90-105, C.R.S. and are constructed in the not-nontributary (4% replacement requirement) portion of the Denver aquifer. Upon approval of the subdivision, the conditions under which these permits were issued will no longer apply, rendering these wells out of compliance with their permits. Therefore, these wells must be re-permitted pursuant to a determination of water right upon subdivision approval. The applicant has indicated that these wells will be re-permitted.

Well permit no. 326716 was issued on September 21, 2022, pursuant to section 37-90-105, C.R.S. for a well on a tract of land of 40 acres described as the SE ¼ of the NE ¼ of Section 34. If the well is constructed, the well would withdraw water from the not-nontributary (4% replacement requirement) portion of the Denver aquifer. Additionally, upon approval of the subdivision, the conditions under which this permit was issued will no longer apply rendering the well out of compliance with its permit. **Therefore, this well must also be re-permitted pursuant to a determination of water right upon subdivision approval.**

Applications for on lot well permits submitted by an entity other than the water right holder must include evidence that the applicant has acquired the right to the portion of water being requested on the application. The ability to obtain well permits and the allowed uses will be determined at the time applications are submitted to and reviewed by this office.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(l), C.R.S., this office has not received enough information to render an opinion on the proposed water supply’s adequacy or potential to cause injury on existing water rights. **Prior to further review, the Applicant must provide the following:**

1. Evidence of a legal water supply that is adequate to meet the water demands of the subdivision and which complies with the county’s 300-year supply requirement. Such evidence includes:

- a. An approved determination of water right for the Denver aquifer.
 - b. An approved replacement plan for the not-nontributary (actual impact replacement requirement) portion of the Denver aquifer have been obtained.
2. Clarify whether well permit no. 326716 will be constructed and if so, that it will be re-permitted upon subdivision approval.

Additional Comments

The submittal indicates that a stormwater detention structure(s) will be constructed as a part of this project. The applicant should be aware that, unless the structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure(s) may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

Please contact Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us with questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Referral No. 30909
Upper Black Squirrel Ground Water Management District
Applicant (mickjdavis@hotmail.com)