



November 1, 2023

Christian Haas
El Paso County Planning and Community Development
Transmission via EDARP portal

**Re: 3275 Center Ice View/Driftwood Estates Minor Sub MS239
NE ¼ NE ¼ Sec. 33, T11S, R67W of the 6th PM
Water Division 2, Water District 10**

Dear Christian Haas;

We have reviewed your October 31, 2023 submittal concerning the above referenced proposal to subdivide 12.72 acres into 2 lots of 7.71 acres and 5.0 acres.

Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the two lots are per lot 0.26 acre-feet for household use, 0.28 acre-feet for the irrigation of 5,000 square feet of lawn and garden, and 0.045 acre-feet for the watering of 4 horses; totaling 1.7 acre-feet annually for the two lots.

Source of Water Supply

The proposed source of water is individual on lot wells as follows:

Lot 1: individual well drilled into either the not-nontributary Dawson aquifer or the not-nontributary Denver aquifer.

Lot 2: individual well drilled into the not-nontributary Denver aquifer

The two wells will operate pursuant to the pending decree and plan for augmentation in case no. 2023CW3022. The allowed average annual amount of withdrawal estimated in case no. 2023CW3022 from the Dawson aquifer is 1.27 acre-feet, and from the Denver aquifer is 5.61 acre-feet. **At the time of this review, the decree had not been signed, therefore, the amounts are not final.**

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 2023CW3022 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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 1.27 acre-feet/year from the Dawson aquifer and 5.61 acre-feet/year from the Denver aquifer would be reduced to one third of that amount, or 0.42 acre-feet/year and 1.87 acre-feet per year, respectively, which is not greater (Dawson) and greater (Denver) 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 from the Denver aquifer.

State Engineer's Office Opinion

We are unable to comment pursuant to Section 30-28-136(1)(h)(l), C.R.S., since the augmentation plan has not been decreed. Please resubmit the water supply plan with a copy of the decree signed by the water court.

Should you have any questions, please contact me in this office at 303-866-3581.

Sincerely,



Melissa A. van der Poel, P.E.
Water Resources Engineer

cc: Subdivision File 31015