



March 4, 2024

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.

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 Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.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

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 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:

- Maximum pumping from the lot utilizing a Dawson aquifer well will be limited to 0.42 acre-feet per year for a 300 year pumping period.
- Maximum pumping from the Denver well(s) is limited to 0.85 acre-feet per well.

The Division 2 Water has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

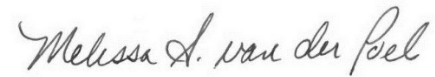
The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 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.

Additional Comments

Should the applicant wish to utilize a stormwater detention structure, the applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to 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*, 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 have any questions, please contact me in this office at 303-866-3581.

Sincerely,

A handwritten signature in cursive script that reads "Melissa A. van der Poel".

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

ec: Subdivision File 31015
Rachel Zancanella, Division Engineer
Elizabeth Nosker, Deputy Water Commissioner District 10
Martha Archuleta, Water Data Analyst