



June 13, 2022

Ryan Howser  
El Paso County Development Services Department  
Transmission via email: [ryanhowser@elpasoco.com](mailto:ryanhowser@elpasoco.com)

Re: Monument Academy Minor Subdivision - Final Plat  
File No. MS2110  
E1/2 NW1/4, Section 15, T11S, R66W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 8

Dear Ryan Howser:

We have reviewed your referral dated June 7, 2022 regarding the above-referenced request for approval of a subdivision final plat, to allow for the development of 62.60 acres to include one lot totaling 19.38 acres to facilitate the existing Monument Academy high school, 2 individual tracts of 15.35 acres (Tract A), 19.90 acres (Tract B), to be held for future development; 2 individual tracts of 1.03 acres (Tract C) and 0.17 acres (Tract D), to be transferred to adjoining property owners as part of a property lot line adjustment; and a road Right-of-Way totaling 6.77 acres. We have previously provided comments to this project by our letter dated January 18, 2022.

### **Water Supply Demand**

The estimated water requirements for the subdivision are still listed at 3.10 acre-feet annually. This amount breaks down to 2.29 acre-feet/year for the high school and 0.81 acre-feet/year for irrigation use of 0.5 acres. No estimates of water requirement were provided for the two lots to be held for future development or the two lots to be transferred to adjoining property owners.

### **Source of Water Supply**

The proposed water supplier for the Monument Academy Minor Subdivision is the Walden Corporation (“Corporation”), a private water company. As requested in our previous comment letter, a letter of commitment from the Corporation dated August 30, 2021 was included in this second referral material.

According to the August 30, 2021 letter the Corporation will provide water and sewer service to the Development in accordance with the Corporation's Rules and Regulations. In addition it is indicated that the Corporation is committed to provide central water and sewer to Lot 1 for Monument Academy High School with an estimated annual demand of 3.10 acre-feet/year.

The Corporation operates seven Denver Basin ground water wells. Six of the wells withdraw ground water from the Dawson aquifer and were decreed as nontributary in Division 1 Water Court case nos. W-7843-74 and W-6220. The seventh well, permit no. 32697-F, withdraws ground water from the nontributary portion of the Denver aquifer.



Based on our records the Corporation wells are not currently fully developed to pump the total decreed amount. Therefore, the State Engineer's Office ("SEO") determined that the current withdrawal capacity of the seven wells is approximately 413.4 acre-feet/year, consisting of approximately 173.4 acre-feet/year from the Dawson aquifer and 240 acre-feet/year from the Denver aquifer. We have previously noted that the Dawson Well No. 6 is currently capable of producing 26 gallons per minute or 41 acre-feet/year. The Corporation re-drilled the Dawson Well No. 6, however the well is currently capable of producing 30 gallons per minute or 48 acre-feet/year. In addition, the Denver aquifer well is currently capable of producing 105 acre-feet per year. The Corporation has the ability to seek permits to construct additional wells into the Denver aquifer to withdraw the full allowed annual amount permitted to be withdrawn of 240 acre-feet per year.

In addition to the Dawson and Denver aquifers wells decreed in Cases W-7843-74 and W-6220), the Corporation obtained supplemental not nontributary Dawson aquifer water from the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2). In the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2), an augmentation plan was approved for the use of 93 individual wells in the not nontributary Dawson aquifer for the annual withdrawal of 0.47 acre-feet per well and 43.71 acre-feet total for 300 years (13,113 acre-feet total over 300 years). In Case No. 2015CW3007 the original augmentation plan was revised to reduce the number of Dawson aquifer wells which will operate pursuant to the plan from 93 to 22 lots. The balance of water previously allocated for individual on lot wells from the original augmentation plan was transferred to the Corporation for use in the central water system. An augmentation plan for the Dawson aquifer water decreed in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2) transferred to the Corporation was approved on August 8, 2017 under consolidated Case Nos. 2016CW3103 (Division 1) and 2016CW3048 (Division 2) for the withdrawal of up to 155 acre-feet/year for 100 years. The augmentation plan allows for the ground water to be used for in-house, irrigation, commercial, fire protection, and stock watering purposes, including storage, through a central water supply system.

The Corporation current water supply commitment status was presented in a Revised Water Resource Report ("Report") dated April 7, 2022 prepared by Oliver E. Watts, Consulting Engineer, Inc., ("Report"). According to the Report, the Corporation's central water system currently has total commitments of approximately 8,336 acre-feet of water committed to serve 245.2 single-family equivalents ("SFE") units and an elementary school (9.1 SFE), based on a 100-year water supply. An additional 20,094 acre-feet of water are committed to serving 197 single-family equivalents in the Walden Pines, Walden Preserve Filing 1 and the Walden Preserve 2 PUD, based on a 300-year water supply. Therefore, the Corporation has approximately 28,410 acre-feet (based on the actual amount determined by SEO) of Denver Basin ground water available for additional commitments.

The proposed source of water for this development is bedrock aquifers 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 allowed annual amount of water permitted to be withdrawn from the Denver aquifer under permit no. 32697-F and the Dawson aquifer under consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2) 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 amount for a maximum of 100 years.

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.” The amount of water that would be available from the above described supplies based on a 100-year and 300 year allocation approach is as follows:

Summary of the Available Supplies

Well Nos/Permit Nos/Case No.	Aquifer	Decreed Annual amount (100 yr. allocation approach (acre-feet)	Annual amount determined by SEO (acre-feet)	Annual amount available (300 yr. allocation approach) (acre-feet)
1-51749-FR	Dawson	45.0	45.0	45.0
2-51751-FR	Dawson	19.0	19.0	19.0
3-25998-FR	Dawson	13.0	12.9	12.9
4-51750-FR	Dawson	26.0	26.0	26.0
5-63866-FR	Dawson	23.0	22.5	22.5
6-16389-FR	Dawson	238.0	48.0	48.0
7-32697-F	Denver	240.0	240	80.0
Case Nos. 2016CW3103 (Div 1) and 2016CW3048 (Div 2)	Dawson	155.0		
Total		759.0	413.4	253.4

**State Engineer’s Office Opinion**

Pursuant to Section 30-28-136(1)(h)(I), C.R.S. and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply for Monument Academy Minor Subdivision is adequate and can be provided without causing injury to decreed water rights. Our previous comments regarding any proposed detention pond for this development 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 development.

Our opinion is qualified by the following:

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. 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 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,



Joanna Williams, P.E.  
Water Resource Engineer

Ec: Subdivision File: 29051

JMW/idc: Monument Academy Minor (El Paso)