



June 8, 2022

Kylie Bagley
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Owl Ridge Minor Subdivision
Part of the E ½ of the SW ¼, Section 29, T11S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Kylie Bagley,

We have reviewed the information received by this office on May 9, 2022 regarding the above referenced referral. The Applicant is proposing to create a three lot subdivision on 61.55 acres consisting of a 20.3 acre lot (Lot 1), a 35 acre lot (Lot 2) and a 5 acre lot (Lot 3).

Water Supply Demand

According to the Owl Ridge Subdivision Water Resources Report by JDS-Hydro Consultants dated February, 2022 (“Water Resources Report”), the estimated annual demand for each lot is as follows: Lot 3 is 0.6 acre-feet per year to serve one residence; Lot 1 is 1.75 acre-feet per year to serve two residences and Lot 2 is 4 acre-feet per year to serve a potential of three residences, 1 acre of irrigation and the water watering of livestock from a future exempt well. The total irrigation demand for Lots 1 and 3 is 22,084 square feet and the total number of horses to be watered for Lots 1 and 3 are 16 horses.

Source of Water Supply

The proposed water source for Lots 1 and 3 are individual on lot wells constructed in the Dawson aquifer operating pursuant the decree approved in Division 1 Water Court Case no. 05CW260 and the decreed augmentation plan in Division 1 Water Court Case no. 21CW3126, including the existing well under permit no. 280006, which shall be re-permitted pursuant to the decreed augmentation plan.

The proposed water source for Lot 2 (35 acres) is a future exempt well constructed into the Dawson aquifer. Since the 35 acre parcel will be created as part of a subdivision process C.R.S. 37-92-602(3)(b)(III), requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. As such, an exempt well permit in the Dawson could not be issued on proposed Lot 2. In order to obtain a non-exempt well permit for a Dawson aquifer well on proposed Lot 2 a court approved augmentation plan would be required.

The decreed augmentation plan in Division 1 Water Court Case no. 21CW3126 allows for the annual withdrawal of 2.35 acre-feet per year from the not nontributary Dawson aquifer, based on a 300 year allocation approach. The augmentation plan states the ground water



will be used through up to two wells on two lots, including the existing well currently operating under permit no. 280006, which shall be re-permitted pursuant to the decreed augmentation plan within 60 days of the signing of the decree. This office has not received an application to re-permit well no. 280006; therefore the county should require the applicant to re-permit the well pursuant to the decreed augmentation plan prior to subdivision approval.

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 case nos. 05CW260 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.

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."

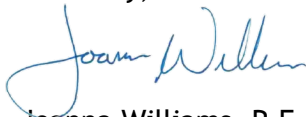
State Engineer's Office Opinion

Based on the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. Prior to further review of the subdivision water supply plan the following information is required:

1. If the proposed water source for proposed Lot 2 will be a Dawson aquifer well then the Applicant must demonstrate that a court approved augmentation plan has been obtained for the well. In addition, the Applicant must provide a subdivision water supply plan the meets the county's 300 year water supply requirement.
2. The applicant must re-permit the existing well under permit no. 280006 pursuant to the decreed augmentation plan in case no. 21CW3126 prior to subdivision approval.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision file: 30280
File permit no. 280006