



February 6, 2023

Ryan Howser
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Owl Ridge Minor Subdivision
Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 7, T11S, R65W, 6th
P.M.
File #: MS225
Water Division 1, Water District 8

Dear Ryan Howser,

We have reviewed the additional information received by this office on February 3, 2023 regarding the above referenced referral. The Applicant is proposing to create a two lot subdivision on a portion of a 61.55 acres parcel, consisting of a 22 acre lot (Lot 1) and a 5 acre lot (Lot 2). The remaining acreage of approximately 35 acre is exempted from the county's subdivision regulations and is not part of this subdivision referral. This office previously responded to the above referral in letters dated June 8, 2022 and January 23, 2023; this letter supersedes the previous letters.

Water Supply Demand

According to the Owl Ridge Subdivision Water Resources Report by JDS-Hydro Consultants dated February 2022 and revised August 17, 2022 ("Water Resources Report"), the estimated annual demand for each lot is as follows: Lot 1 is 1.75 acre-feet per year to serve two residences; Lot 2 is 0.6 acre-feet per year to serve one residence. The total irrigation demand for Lots 1 and 2 is 22,084 square feet and the total number of horses to be watered for Lots 1 and 2 are 16 horses.

Source of Water Supply

The proposed water source for Lots 1 and 2 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. 87586-F, permitted pursuant to the decreed augmentation plan.

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. 87586-F (canceled permit no. 280006).



The existing well under permit no. 87386-F is currently permitted to withdraw 0.6 acre-feet per year for use in one single family residence, irrigation, including lawn, garden and trees of up to 5,000 square-feet and the watering of up to four large domestic animals for and is located on the proposed Lot 2. The second proposed well shall withdraw 1.75 acre-feet per year for use in two single family residences, irrigation, including lawn, garden and trees of up to 20,000 square-feet and the watering of up to 12 large domestic animals.

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."

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 2.35 acre-feet/year for 300 years is equal to the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for on lot well permits, submitted by an entity other than the current water right holder (Colt and Kathryn Haugen), must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

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 equal to 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:

The Division 1 Water Court 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 aquifer, 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 Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file: 30280
File permit no. 87586-F