



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

July 22, 2026

Jen Uhler

El Paso County Planning Division

Transmission via email: JenUhler@elpasoco.com

Re: Hardy Road Properties Subdivision (2nd Letter)

Applicants: Hardy Road Properties, LLC

Part of the E ½ of the SE ¼ of the SW ¼ Sec. 14, Twp. 11S, Rng. 65W, 6th

P.M., El Paso County

Water Division 1, Water District 1

Kiowa Bijou Designated Basin

CDWR Assigned Referral No. 34609

Dear Jen Uhler,

We have received your proposal to subdivide approximately 19.4 +/- acres of land located on a parcel known as 10545 Hardy Road in the E ½ of the SE ¼ of the SW ¼ Sec. 14, Twp. 11S, Rng. 65W, 6th P.M., El Paso County into three lots. Two of the lots will be used for residential purposes, and one lot will remain undeveloped.

Our office previously provided comments on the subdivision in a letter dated April 1, 2026. The comments outlined in this letter supersede those previously provided.

Water Supply Demand

According to the updated Preliminary Water Resources Report (“Report”) dated May 26, 2026 prepared by W. James Tilton and Ryan W. Farr of Monson, Cummins, Shohet



& Farr, LLC, the annual water supply demands for the two residential lots to be developed is up to 1.0 acre-feet/year/lot (2.0 acre-feet total) for in-house residential purposes, irrigation of lawn and garden, watering of livestock, and other approved uses.

Source of Water Supply

According to the Report, the proposed source of water supply for the two residential lots are on-lot wells producing from the not nontributary Dawson aquifer operating pursuant to Determination No. 4868-BD and Replacement Plan No. 4868-RP.

A review of our records show Determination No. 4868-BD was issued by the Colorado Ground Water Commission on 19.39 acres of overlying land, generally described as the E1/2 of the SE1/4 of the SW1/4, Section 14, Township 11 South, Range 65 West, 6th P. M. Determination No. 4868-BD was approved pursuant to 37-90-107(7) and the Findings and Order of the Ground Water Commission dated May 20, 2026.

Determination No. 4868-BD allocated a total of 1,800 acre-feet of not nontributary Dawson aquifer water for domestic, livestock, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, commercial, industrial, and replacement in support of such uses, either directly or after storage. The place of use is limited to the 19.39 acres of overlying land that is subject to the determination. This subdivision lies within the allowable place of use from Determination No. 4868-BD.

Replacement Plan No. 4868-RP was issued by the Ground Water Commission on May 20, 2026 pursuant to section 37-90-107.5, CRS for a maximum annual withdrawal amount of 2.0 acre-feet to be withdrawn from individual wells located on two residential lots for a period of 300 years. Each Dawson aquifer well may divert 1.0 acre-feet of water annually for uses inside two single-family dwellings with the remaining water pumped used for accessory uses on each lot, including landscape,

lawn and garden irrigation and for domestic animal watering and livestock. The place of use is limited to the 19.39 acres of overlying land that is subject to the determination. This subdivision lies within the allowable place of use from Determination No. 4868-RP.

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 section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this **allocation** approach, the annual amounts of water determined in 4868-BD are equal to one percent of the total amount, as determined by Rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. 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 300 years, the allowed average annual amount of withdrawal of 18.0 acre-feet/year would be reduced to one third of that amount, or 6.0 acre-feet/year, which is greater 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.

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 on the subdivided land 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:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, 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

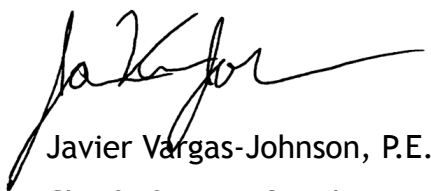
based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

The submittal indicates that a stormwater detention structure will be constructed as a part of this project. The Applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in [Designated Basin Rule 5.11](#), the structure may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

Please contact Mike Matz at 303-866-3581 x8241 or at michael.matz@state.co.us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Javier Vargas-Johnson', written over a horizontal line.

Javier Vargas-Johnson, P.E.
Chief of Water Supply