



December 16, 2024

Ashlyn Mathy, Project Manager
El Paso County Community & Development Services
Transmitted via email: ashlynmathy2@elpasoco.com

RE: Black Squirrel Minor Subdivision
File No. SF-2426
Part of the NW ¼ of the NE ¼, Section 14, T11S, R65W, 6th P.M.
Kiowa Bijou Designated Ground Water Basin
Water Division 1, Water District 1

Dear Ashlyn Mathy:

We have reviewed the information received by this office on December 10, 2024 regarding the above referenced referral. The Applicant is requesting to subdivide approximately 19.39 acres into three residential lots of approximately 6.38 acres (Lot 1), 6.39 acres (Lot 2) and 6.4 acres (Lot 3). There is an existing residence on proposed Lot 2 with an existing well currently operating under permit no. 73654. We have previously provided comments to this referral by our letter dated October 17, 2024. The comments in this letter supersede our comments from the October 17, 2024, letter.

Water Supply Demand

According to an updated Water Supply Information Summary Sheet submitted with the referral materials, the proposed water demand is 0.78 acre-feet for three single-family dwellings, 1.043 acre-feet for irrigation of lawn and garden and 0.177 acre-



feet for the watering of 16 heads of livestock or 2 acre-feet per year for the entire subdivision.

In addition, according to a Water Supply Report (“Report”) from Monson, Cummins, Shohet & Farr, LLC it is anticipated that the residence on Lot 2 will utilize a minimum of 0.26 acre-feet and up to 1.0 acre-foot annually for in-house residential purposes, irrigation of lawn and garden, and watering of livestock and Lots 1 and 3 will each utilize a minimum of 0.26 acre-feet and up to 0.5 acre-feet annually for in-house residential purposes, irrigation of lawn and garden, and watering of livestock.

Source of Water Supply

According to the Report and the proposed water source is an existing well operating under permit no. 73654 for proposed Lot 2 and proposed new wells for Lots 1 and 3. The proposed new wells will be producing from the not nontributary Dawson aquifer under a pending determination of water rights and a replacement plan.

According to our records approval of determination of water rights for the 19.39 acre parcel are pending for the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers under the application receipt nos. 10038392-95. In addition, approval of a replacement plan for the not nontributary Dawson aquifer is pending under application receipt no. 10038391. Under the permit pending replacement plan the applicant proposes to pump 2 acre-feet per year for 300 years. The Dawson aquifer water will be withdrawn through three wells to be located on three residential lots. One of the three wells is anticipated to pump a maximum of 1.0 acre-foot, and the other two wells will pump a maximum of 0.5 acre-feet from the not-nontributary Dawson aquifer annually. Each well will be used for use in one single family residence with the remainder of the pumping for other accessory uses of additional dwelling units, landscape, lawn, and garden irrigation, and for the watering of domestic animals and livestock. The land on which the wells will be located is the 19.39 acres Overlying Land that is subject to the determinations and replacement plan.

Well permit no. 73654 was issued on March 19, 1974 pursuant to C.R.S. 37-90-105 for a 20 acre parcel for domestic purposes. This well appears to be withdrawing groundwater from the not-nontributary Dawson aquifer. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the well out of compliance with its permit. Well no. 73654 will be re-permitted as a large capacity well for the proposed Lot 2, upon approval of the pending determination of water rights and the replacement plan. An application to re-permit well no. 73654 was submitted on November 20, 2024 under receipt no. 10039477 and this application is pending evaluation.

State Engineer's Office Opinion

Based on the above and pursuant to sections 30-28-136(1)(h)(I), C.R.S. it is our opinion that the proposed water supply is not adequate and cannot be provided without causing injury to decreed water rights. **It appears that in order to obtain a favorable opinion of the subdivision water supply plan, the pending Determination of Water Rights and the Replacement Plan for the not nontributary Dawson aquifer must also be approved by the Groundwater Commission.**

Additional Comments

According to the submitted material, a storm water detention structure will be developed on the site. 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.

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Should you or the Applicant have any questions, please contact me this office at ioana.comaniciu@state.co.us or 303-866-3581 x8246.

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Ec: Subdivision file: 32523
Well permit file no. 73654