



COLORADO

Division of Water Resources

Department of Natural Resources
Colorado Ground Water Commission

February 28, 2020

Nina Ruiz
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Winsome Filing No. 1
Part of Sec. 24, T11S, R65W, 6th P.M.
Water Division 1, Water District 1
Kiowa-Bijou Designated Basin

Dear Ms. Ruiz:

We have reviewed your February 3, 2020 submittal concerning the above referenced proposal to subdivide 164.4 acres into 47 residential lots, public streets, right of way tract, two open space tracts and one tract for mailboxes. Our office previously commented on the McCune Ranch Preliminary Plan (containing 766.66 acres) in a letter dated May 3, 2019, of which the Winsome Filing No. 1 is a portion.

Water Supply Demand

According to the submitted Water Resources and Wastewater Report for Winsome Filing No. 1 dated January 2020 ("Water Resources Report") the total estimated water requirement is 28.2 acre-feet/year (0.6 acre-feet per year per residential lot). The estimated water requirement of 0.6 acre-feet/year per residential lot assumes that 0.3 acre-foot per year is required for domestic indoor use, 0.25 acre-feet per year is required for irrigation of up to 4,000 square feet of lawn, garden and trees, and 0.05 acre-feet per year is required for watering of four large domestic animals.

Source of Water Supply

According to the Water Resources Report, the proposed source of water supply is individual on-lot wells producing from the not-nontributary Dawson Aquifer that would be permitted pursuant to the amended replacement plan for Determination of Water Right no. 1692-BD.

Determination of Water Right no. 1692-BD was issued by the Ground Water Commission ("Commission") on June 25, 2008 for an allowed average annual amount of withdrawal of ground water of 819 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on 900.52 acres (which include the 164.4 acres of the subject subdivision). On March 13, 2018, the Commission approved Amendment No. 1 of Determination of Water Right no. 1692-BD which cancelled an allowed average annual withdrawal of 12 acre-feet from the Determination, leaving an allowed average annual amount of withdrawal of 807 acre-feet (based on an aquifer life of 100 years) in the Determination.

On February 3, 2020 the Commission approved Replacement Plan No. 2 for Determination of Water Right no. 1692-BD (canceling Replacement Plan No. 1 for Determination of Water Right no. 1692-BD previously approved on June 29, 2018). Replacement Plan no. 2 for Determination of Water Right no. 1692-BD allows for the withdrawal of 49.8 acre-feet per year of ground water from the



Dawson aquifer for 300 years, through 83 wells to be located on 83 residential lots on 278.1 acres, of which the subject 164.4 acres is a part. Each well may withdraw 0.6 acre-feet per year of ground water to be used for use in one single family dwelling, the irrigation of landscape, lawn and gardens and the watering of domestic animals and stock. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.

The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 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 Determination of Water Right No. 1692-BD is 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.

In the El Paso County Land Development Code, effective November 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources 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 49.8 acre-feet per year from the Dawson aquifer pursuant to Replacement Plan No. 2 for Determination of Water Right no. 1692-BD for a maximum of for a maximum of 300 years, is sufficient to supply the requirement of 28.2 acre-feet/year.

The Water Resources Report submitted makes reference to other water rights, including those in the Denver, Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 1691-BD, 1690-BD and 1689-BD, but those rights are not identified as a sources of water for the subdivision.

State Engineer's Office Opinion

Based upon 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 adequate and can be provided without causing injury to 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 amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes, 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 100 years (or 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 storm water 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.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,

A handwritten signature in black ink that reads "Keith Vander Horst". The signature is written in a cursive, flowing style.

Keith Vander Horst
Chief of Water Supply, Designated Basins

Cc: Division 1
Project no. 27026

Winsome Filing 1.docx