



June 23, 2026

Joe Letke
El Paso County Planning & Community Development
Email Address: JoeLetke@elpasoco.com

Re: AFT Ranch Subdivision Filing No. 2 - Vacate and Replat of Lot 1, Filing 1
Sec. 15, Twp. 12S, Rng. 66W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Referral No. 34622 (Filing 1 is under No. 23643)

Dear Joe Letke:

We have reviewed your submittal for a lot line vacate and replat of the AFT Ranch Subdivision. According to the materials, the Filing No. 1 currently consists of 2 lots: Lot 1 is 34.347 +/- acres, and Lot 2 is 5.327 +/- acres. For this vacate and replat, Lot 1 will be subdivided into two lots, with Lot 1a becoming 29 acres, and 1B (also known as Lot 3 in the submitted materials) as 5.310 acres. The submittal does not include Lot 2 in any of the changes.

Water Uses and Demand

According to Water Supply Information Summary received in the submittal, the estimated water demand for the entire subdivision is 3 acre-feet per year consisting of the following:

- 2 acre-feet/year for two single family dwellings
 - The watering of 2 acres of home gardens and lawns (included in this 2 acre-feet/year)
 - The watering of 2 head of stock (included in this 2 acre-feet/year)
- 1 acre-foot/year for one guest house



Please note that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are the following:

- 0.3 acre-foot/year for each ordinary household,
- 0.05 acre-foot/year for four large domestic animals, and
- 0.05 acre-foot/year for each 1,000 square feet of lawn and garden irrigation.

Using the above standard amounts would estimate that irrigation of 2 acres of home garden and lawns would use about 4.36 acre-feet of water per year. Combining this amount with 2 large domestic animals and 3 single-family dwellings would bring estimated water demand to 5.281 acre-feet per year.

Water Supply

The proposed source of water is individual on-lot wells producing from the non-tributary Denver aquifer that will operate pursuant to the decree and plan for augmentation in the Division 2 Water Court case no. 2013CW0002.

The plan for augmentation decreed in case no. 2013CW0002 allows for the maximum annual diversion from the Denver aquifer, for 300 years, depending on the number of wells constructed, as follows:

- One, two, or three wells: 1.094 acre-feet per well
- Four wells: 1.001 acre-feet per well
- Five wells: 0.801 acre-foot per well

There are three well permits currently serving the existing subdivision following the 2013CW0002 decreed amounts: 79187-F (Lot 2), 80236-F and 82423-F (Lot 1). The permits have conditions regarding the following maximum annual volume pumped:

The average annual amount of ground water to be withdrawn from the existing wells shall not exceed 1.094 acre-feet (356,481 gallons).

The combined annual amount, together with the other Denver aquifer wells in paragraph 29B of the decree in case no. 2013CW02, shall not exceed 4.004 acre-feet per year (1,304,707 gallons).

The existing permitted conditions align with the decree's maximum annual volume pumped if there are three or fewer wells constructed on the property.

According to the information with the Water Supply Information Summary Sheet, a fourth well is anticipated to be constructed. Therefore, pursuant to the decree in case no. 2013CW0002, the existing wells under well permit nos. 79187-F (Lot 2), 80236-F (Lot 1), and 82423-F (Lot 1) will need to file well permit applications to re-permit the wells to allow up to the maximum withdrawal of 1.001 acre-feet/year per well. The well owners can submit [GWS-44 Residential Well Permit Applications](#) for their well permit(s) to update the corresponding annual amounts decreed in the 2013CW0002 Water Court Case. A fourth well permit for the proposed Lot 1b cannot be issued until all three existing wells are re-permitted for the lower annual amount.

Based on 2013CW0002, each of the wells may be used to, "supply water for indoor uses in a single family dwelling on each lot, for commercial uses (sanitary and drinking water only), for a stand-alone office or guest cottage, for a hot tub/spa and/or swimming pool, for stock water, for landscape irrigation, for dust suppression, for fire-fighting, and for augmentation of depletions in this plan for augmentation through ISDS return flows." Currently, there are two well permits issued for Lot 1, the plat included in the submittal indicates both wells will remain on the new Lot 1a. The permits indicate that each well can serve one single family dwelling.

Please note that the decree restricts the number of households per well permit to "a single family dwelling." Please review our [Guideline 2016-1 Concerning Water Supplies for Auxiliary Living Spaces](#) to determine if the AUD would be considered a second single family dwelling, or if it could be considered an extension of the main home that could be served by an existing well permit already serving one of the single family dwellings. If the Auxiliary Living Space (AUD) mentioned in the submittal is not currently served solely by

one of the wells constructed on the property it may or may not need to be served by a separate well based on the scenarios below:

- If the AUD is considered an extension of the main home based on the above Guideline 2016-1, a well permit issued for one single family dwelling could be used to supply water to both a single family dwelling as well as the AUD.
- If the AUD is not considered an extension of the main home based on the above Guideline 2016-1, the AUD would need to be served by a separate permitted well or other water source.

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 37-90-137(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 2013CW0002 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 300 years, and using the existing two wells on Lot 1a combined with the new proposed well for Lot 1b, the allowed average annual amount of withdrawal 1.001 acre-feet/year per well from 3

wells is 3.003 acre-feet/year, which is greater than the estimated annual demand for this subdivision (3 acre-feet/year).

Applications for on-lot well permits, submitted by an entity other than the current water right holder, 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 on the condition the wells under well permit nos. 79187-F, 80236-F and 82423-F file an application to be re-permitted to the updated maximum annual amount of 1.001 acre-feet/year.

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 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 Division 2 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 have any questions, please contact Katie of this office at Katharine.Anderson@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Ailis A. Thyne". The signature is written in a cursive, flowing style.

Ailis Thyne, P.E.

Water Resources Engineer

EC: File for well permit nos. 79187-F, 80236-F and 82423-F