



March 14, 2023

Kylie Bagley
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127
Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

RE: Shiloh Pines Vacation/Re-plat
Sec. 15 and 16, Twp. 11S, Rng. 67W, Sixth P.M.
Water Division 2, Water District 10
CDWR Assigned Referral No. 29259

To Whom It May Concern:

The Applicant is requesting approval of a vacation and re-plat of two lots and one unplatted parcel, resulting in three lots and one unplatted parcel. This action concerns only Lots 1 (2.53 acres), 2 (3.93 acres), and 3 (2.53 acres), which will be considered exempt from county subdivision rules, as confirmed by El Paso Planning & Community Development.

Proposed Lots 1 and 3 will continue to be provided water from Forest View Acres Water District. Detailed information was not provided. The unplatted parcel has an existing well with permit no. 48273-A. According to the submittal, the proposed supply of water for Lot 2 is to be served by an on-lot well, with wastewater disposed of through an on-site septic system.

This office previously provided comments on May 20, 2022. The county has requested a letter addressing water sufficiency for Lot 2, which was provided on November 22, 2022. The water supply demand for the lot was revised, therefore this letter shall supersede the letter dated November 22, 2022.

Water Supply Demand

According to the revised Water Supply Information Sheet received by this office, the estimated water demand for the lot is 0.51 acre-feet/year. This includes 0.3 acre-feet/year for household use, 0.16 acre-feet/year for irrigation of 3,200 square-feet of lawn/garden (0.05 acre-feet/year per 1,000 square-feet), and 0.05 acre-feet/year for the watering of 4 horses (0.01 acre-feet/year per head).

Source of Water Supply

The water rights under the unplatted parcel were adjudicated in Division 2 Water Court Case no. 13CW3025. A deed conveying a portion of those water rights to the owner of proposed Lot 2 was included with the application. This deed should be recorded with the El Paso Clerk and Recorder. The water rights conveyed are summarized in Table 1, below:



Table 1 - Denver Basin Ground Water Rights

Aquifer	1.2Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	251	2.51	0.83
Denver	NNT	150	1.50	0.50
Arapahoe	NT	313	3.13	1.04
Laramie-Fox Hills	NT	120	1.20	0.40

The applicant should be aware that a **plan for augmentation must be approved by the water court before the water can be withdrawn from the Dawson or Denver aquifers.**

The application materials indicate that the water supply may alternatively be provided by Forest View Acres Water District (“District), under a future agreement to join the District. The lot is not currently within the service area of the District. **The Applicant did not provide a letter of commitment from the District documenting that the District commits to serving the proposed development an amount of water that is greater than or equal to the estimated demand.**

Our office does not have up to date information on the ability of the District to supply water to this lot. As outlined in the statutes, Section 30-28-133(3)(d), C.R.S., the subdivider is required to submit evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water and periodically update said evidence. Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer, which addresses the quality, quantity, and dependability issues. An updated report of this nature was not provided with the submittal. Please see the State Engineer’s March 4, 2005 and March 16, 2005 memorandums, available on the Colorado Division of Water Resources webpage at <https://dwr.colorado.gov/services/water-administration/land-divisions-and-water-supply>, for the necessary information.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, located at <https://dnrweblink.state.co.us/dwr/ElectronicFile.aspx?docid=3576581&dbid=0> to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

State Engineer's Office Opinion

Due to the lack of a water court approved augmentation plan, the State Engineer finds pursuant to CRS 30-28-136(1)(h)(l), that the proposed water supply will cause material injury to decreed water rights and is inadequate. Until adequate information on the ability of the District to supply water is provided, the second proposed water supply is not adequate and may injure decreed water rights.

Should you or the applicant have questions regarding any of the above, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

ec: Bill Tyner, Division 2 Engineer
Jacob Olson, District 10 Water Commissioner
Permit File No. 48273-A