



July 18, 2023

Ryan Howser, Project Manager
El Paso County Community & Development Services
Transmitted via EDARP: epcdevplanreview.com

Re: Peerless Farms Preliminary Plan (Minor) - 2nd Letter
File #: SP217
Part of the N ½ of the NW ¼ of Section 13, T13S, R64W, 6th P.M.
Water Division 2, Water Association 10
Upper Black Squirrel Creek Designated Basin

Dear Ryan Howser:

We have reviewed the above referenced re-referral for an application to subdivide a parcel of 40 acres described as part of the N ½ of the NW ¼ of Section 13, T13S, R64W, 6th P.M. into 7 residential lots. This letter supersedes our comments on the Peerless Farms development dated June 21, 2023.

Water Supply Demand

According to the previously provided Water Supply Information Summary and Water Resources Report for Peerless Farms Preliminary Plan (“Report”) prepared by Mid-Colorado Investment Company dated December 7, 2021, the estimated water demand is 7.0 acre-feet per year for the 7 residential lots, including household use, irrigation and animal watering. However, a new Water Supply Information Summary was provided with this referral and proposed an annual demand of 1,290 acre-feet per year for household use. **Prior to further review, the Applicant must clarify the estimated water demand and water uses for the subdivision.**

Source of Water Supply

It was not clear from the submittal whether the lots will have individual on lot wells withdrawing water allocated under Determination of Water Right nos. 4475-BD, 4476-BD, and 4477-BD (based on most recent version of Water Supply Information Summary provided with this referral) or be served with taps provided by the Sage Water Users Association (“Association”) (based on the previously provided Water Supply Information Summary and Letter of Intent provided with this referral). According to the Water Agreement dated May 27, 2021, the Association is committed to providing domestic water for the subdivision. **Prior to further review, the Applicant must clarify the proposed water source.**

Determination of Water Right nos. 4475-BD, 4476-BD, and 4477-BD were approved pursuant to section 37-90-107(7), C.R.S. on January 25, 2023 and allocated the Denver Basin groundwater underlying the subject property. A summary of Determination of Water Right nos. 4475-BD, 4476-BD, and 4477-BD allocations is provided in Table 1. If individual on lot wells are proposed, applications for on lot well permits submitted by an entity other than the current water right holder (Robert S. Williams and Wendy K. Williams) must include evidence that the applicant has acquired the right to the portion of water being requested on the application.



Table 1. Summary of Determination of Water Right nos. 4475-BD, 4476-BD, and 4477-BD.

Aquifer	Determination No.	Aquifer Type ¹	Acre-Feet/Year (based on 100-year aquifer life)	Acre-Feet/Year (based on 300-year aquifer life)
Laramie-Fox Hills	4475-BD	NT	12.9	4.3
Arapahoe	4476-BD	NT	13.6	4.53
Denver	4477-BD	NT	0.446	0.148
		NNT-Actual	9.87	3.29
Total ²	-	-	26.946	8.978

Evidence of ownership and control of Determination of Water Right nos. 4475-BD, 4476-BD, and 4477-BD by the Association was not provided with this referral. Additionally, this office does not have information detailing all of the Association’s water supplies and commitments. **If the proposed water source is service provided by the Association, a report documenting the Association’s ability to supply the subdivision must be provided.**

A review of our records shows well permit no. 8141 located on the subject property. Permit no. 8141 withdraws from the alluvial aquifer and the not-nontributary (actual impact replacement requirement) portion of the Denver aquifer. Prior to further review, the Applicant must clarify whether this well will be plugged and abandoned or re-permitted pursuant to a Commission-approved replacement plan.

State Engineer's Office Opinion

Based on the above and pursuant to sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., the State Engineer’s Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. **Prior to further review of the subdivision water supply plan the following information is required.**

1. The Applicant must clarify the proposed water demand and water uses for the subdivision.
2. The Applicant must clarify whether well no. 8141 will be plugged and abandoned or re-permitted pursuant to a Commission-approved replacement plan.
3. The Applicant must clarify the proposed water source for the subdivision (individual on lot wells or service provided by the Sage Water Users Association). If the proposed source is service provided by the Sage Water Users Association, the Association must provide a report documenting its ability to supply the subdivision. This information should be provided in a manner that demonstrates that the Association has sufficient water resources to meet its commitments in terms of an overall water supply, considering annual, and longer term availability. The report should contain the following.
 - a. A summary of the water rights owned and controlled by the Association.

¹ NT = nontributary; NNT-Actual = not-nontributary (actual impact replacement) where a replacement plan is required.

² Total does not include the NNT-Actual water since such water cannot be withdrawn without a Commission-approved replacement plan.

- b. The anticipated yield of these rights in both an average and dry year.
- c. The present demand on the Association, and the anticipated demand due to commitments for service entered into by the Association that are not yet supplied.
- d. The amount of uncommitted firm supply the Association has available for future commitment and development.
- e. A map of the Association's service area.

Additional Comments

According to the submitted material, stormwater detention structure(s) 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.

Please contact Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us with questions.

Sincerely,

Wenli Dickinson for

Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Referral No. 29052
Well permit no. 8141 file
Upper Black Squirrel Ground Water Management Association