



May 9, 2024

Kari Parsons  
EPC Development Services Department  
Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com>

**Re: Settlers Ranch Filing 3**  
**File No. SF-249**  
**Sec. 23 and 24, T11S, R66W, 6<sup>th</sup> P.M.**  
**Water Division 1, Water District 8**

Dear Kari Parsons:

We have reviewed your May 1, 2024 submittal concerning the above referenced proposal to subdivide 79.2 acres into twenty-four (24) single-family residential lots. Settlers Ranch Filing 3 is a replat of a portion of Settlers Ranch subdivision located in a portion of the SE $\frac{1}{4}$  and portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23 and the SW $\frac{1}{4}$  and NW $\frac{1}{4}$  of Section 24 all in Township 11 South, Range 66 West of the 6th P.M. The minimum proposed lot size for this filing is 2.5 acres.

According to the information provided the Settlers Ranch Subdivision Final Plat (“Settlers Ranch”) was approved for 86 lots on 307.35 acres. Filing 1 of the Settler Ranch was approved for 43 lots on 142.2 acres and Filing 2 was approved for 43 lots on 138.94 acres. Filing 2 was proposed to be developed in 5 phases. Currently 3 out of the 5 phases (Filing 2A, 2B, and 2C) have been developed as follows:

- Phase 1 (Filing 2A) for 7 lots on 15.9 acres;
- Phase 2 (Filing 2B) for 7 lots on 19.5 acres; and
- Phase 3 (Filing 2C) for 11 lots on 30.70 acres

Phase 4 of Filing 2 was originally approved for 10 single family residential lots and Phase 5 of Filing 2 was approved for 8 single family residential lots. According to the submitted material Phase 4 and Phase 5 of Filing 2 are expired and required new final plat submittals. Therefore, Phases 4 and 5 of Filing 2 are being combined under this submittal to create Filing 3. Under Filing 3 the number of lots, specifically for the area previously identified as Filing 2 Phase 4 will increase from 10 to 16 single-family residential lots. Therefore Filing 3, will accommodate a total of 24 lots (16 lots from prior area described as Phase 4 of Filing 2 and 8 lots from prior area described as Phase 5 of Filing 2) to be located on 79.2 acres.

With the addition of the 6 new lots in Filing 3, the total number of lots within the Settlers Ranch Subdivision will increase from 86 to 92 lots.

### **Water Supply Demand**

According to the Water Supply Summary Sheet, the estimated water requirements for Filing 3 total 13.2 acre-feet annually. This amount breaks down to 7.2 acre-feet/year for household use inside the proposed 24 lots, 4.8 acre-feet/year for irrigation of 1.93 acres of home gardens and lawns, and 1.2 acre-feet/year for the watering of 96 head of domestic animals. Based on the above listed amounts the demand per lot will be 0.55 acre-feet/year, consisting of 0.30 acre-feet/year for in



house use, 0.20 acre-feet/year for irrigation of 3,500 square feet of home gardens and lawns, and 0.05 acre-feet/year for the watering of 4 large domestic animals.

### Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the decree and plan for augmentation decreed in Division 1 Water Court case no. 2003CW241 and Division 2 Water Court case no. 2003CW050 (“Decrees”). The allowed average annual amount of withdrawal decreed from the Dawson aquifer is 273.7 acre-feet. The amount decreed is based on a total claimed land area of 298.6 acres.

The plan for augmentation provides for 92 residential wells, each with an allowed average annual diversion of 0.55 acre-feet (50.6 acre-feet total), for in-house use in one single-family dwelling (0.3 acre-feet), irrigation of 3,500 square-feet of home lawn and garden (0.2 acre-feet) and the watering of up to four large domestic animals (0.05 acre-feet). The proposed Dawson aquifer wells must be located on the land claimed in the Decrees, pursuant to paragraph 19 of the Decrees and rule 11.A of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). All twenty-four lots proposed in Filing 3 are located within the area described in case nos. 2023CW241 and 2003CW050.

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 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 case nos. 2003CW241 and 2003CW050 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 three hundred years, the allowed average annual amount of withdrawal of 273.7 acre-feet/year would be reduced to one third of that amount, or 91.2 acre-feet/year, which is greater than the annual demand for this subdivision. In addition, the augmentation plan decreed in case nos. 2003CW241 and 2003CW050 is also based on the county’s allocation approach. As a result, this water may be withdrawn in the amount of 91.2 acre-feet annually for a maximum of 300-years.

Pursuant to Paragraph 11 of the case nos. 2003CW241 and 2003CW050, the Decrees shall be recorded in the real property records of El Paso County. The Decrees calls for the creation of a Property Owners Association, in which all lot purchasers are required to join. The water rights and the plan for augmentation will be assigned to the Property Owners Association, therefore, if lot owners apply for on lot well permits they will not be required to provide evidence that the applicant has acquired the right to the portion of the water being requested on the application.

### Additional Comments

The Applicant should be aware that any proposed detention pond for this filing must meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., otherwise 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*, attached, 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* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

### 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.

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 1 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 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.

Should you or the Applicant have any questions, please contact me at this office at 303-866-3581 x8246 or [ioana.comanicu@state.co.us](mailto:ioana.comanicu@state.co.us)

Sincerely,

  
Ioana Comanicu, P.E.  
Water Resource Engineer

Ec: Subdivision No. 31320