



December 15, 2023

Kylie Bagley, Project Manager  
El Paso County Planning and Community Development  
Transmitted via EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Overlook at Homestead Preliminary Plan  
File #: SP238**

Part of the SE ¼ of Sec. 22 & part of the E ½ NW ¼ & the NE ¼ of Sec. 27, T11S, R64W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 1 & Water Division 2, Water District 10  
Kiowa-Bijou Designated Basin & Upper Black Squirrel Designated Basin  
CDWR Assigned Subdivision File No. 31004

Dear Kylie Bagley:

We have reviewed the submittal concerning the subdivision of approximately 350 acres into 62, 5-acre residential lots. The proposed water supply source is individual on lot Dawson wells which will operate pursuant to the pending determination of water right application, receipt no. 10031279, and pending replacement plan application, receipt no. 10031280. This letter supersedes the comments provided by this office on October 27, 2023.

### Water Supply Demand

Water will be used for 62 household units (0.260 acre-feet/year/unit or 16.12 acre-feet/year total), irrigation (0.0566 acre-feet/year/1,000 square-feet or 12.152 acre-feet/year total), and domestic animal watering (0.011 acre-feet/year/animal or 2.728 acre-feet/year total). The total estimated water demand for all 62 lots is 31 acre-feet/year.

### Source of Water Supply

The proposed water supply source is individual on lot Dawson wells which will operate pursuant to the pending determination of water right, application receipt no. 10031279, and pending replacement plan, receipt no. 10031280. This office estimates that there are 24,518 acre-feet of water available in the Dawson aquifer to be allocated under the pending determination. The applicant's pending replacement plan proposes 0.5 acre-feet/year/lot to be pumped from the Dawson aquifer for residential uses, including, but not limited to domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage on the 62 lots, for a total annual withdrawal amount of 31 acre-feet/year for all 62 lots for 300 years.

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 37-90-107(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 amount of water pending allocation in the determination will be equal to one percent of the total as determined by Rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1.

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, the allowed average annual amount of withdrawal would be reduced to one third of the allocated amount in the pending determination.

**The quantity of water to be allocated under the pending determination (receipt no. 10031279) and the quantity of water allowed to be withdrawn under the pending replacement plan (receipt no. 10031280) are not final, therefore the quantity of water that can be withdrawn for 100 or 300 years is not determined.**

Additionally, well permit no. 157064-A must be re-permitted pursuant to the determination and replacement plan. An application to re-permit this well is pending under receipt no. 10032924.

Applications for on lot well permits, submitted by an entity other than the current water right holder (PT Overlook LLC) 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)(l), C.R.S., this office has not received enough information to determine whether the proposed water supply is adequate or can be provided without causing injury to decreed water rights. **In order to obtain a favorable opinion from this office on the proposed water supply to this subdivision, the determination of water right for the Dawson aquifer underlying the 350-acre property (receipt no. 10031279) and replacement plan (receipt no. 10031280) must first be approved. The determination allocation and replacement plan, once finalized, must be sufficient to provide for a 300-year supply and the allowed uses must be consistent with the proposed uses of the subdivision.**

#### **Additional Comments**

The submittal indicates that a stormwater 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.

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

Sincerely,



Ioana Comaniciu, P.E.  
Water Resources Engineer

Ec: Upper Black Squirrel Creek Ground Water Management District