



February 8, 2024

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

**Re: Overlook at Homestead**  
**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 - 3<sup>rd</sup> Letter

Dear Kylie Bagley:

We have reviewed the re-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 Determination of Water Right no. 4638-BD and Replacement Plan no. 4638-RP. This letter supersedes the comments provided by this office on December 15, 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 Determination of Water Right no. 4638-BD and Replacement Plan no. 4638-RP.

Determination no. 4638-BD was issued on January 29, 2024 pursuant to section 37-90-107(7), C.R.S. and allocated 24,518 acre-feet of water from the not-nontributary Dawson aquifer underlying the 350.811-acre property to be used for domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage.

Replacement Plan no. 4638-RP was issued on January 29, 2024 pursuant to section 37-90-107.5, C.R.S. for 62 wells to be located on 62 residential lots. Under the plan, each Dawson aquifer well can divert 0.5 acre-foot of water annually for domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The replacement plan limits the total annual withdrawal of 31 acre-feet/year for a period of 300 years. Under the plan, withdrawals must be metered and recorded annually, and each lot must have a non-evaporative septic system for the in-house water use component. The proposed water uses and place of use are allowed by the determination and replacement plan.

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 allocation in Determination no. 4638-BD 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, or 245.18 acre-feet/year.

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 Determination no. 4638-BD, or 81.72 acre-feet/year. The replacement plan allows a total withdrawal of 31 acre-feet/year for a period of 300 years. Therefore, the water may be withdrawn in that amount for a period of 300 years.

The existing, well permit no. 157064-A was re-permitted pursuant to the determination and replacement plan under permit no. 88862-F.

**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)(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 on the subdivided land 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 Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, 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.**

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

Sincerely,

  
Ioana Comaniciu, P.E.  
Water Resources Engineer

Ec: Upper Black Squirrel Creek Ground Water Management District