



July 11, 2025

Kari Parsons, Project Manager

El Paso County Development Services Department

Sent via online portal at: <https://epcdevplanreview.com>

Re: Retreat at Prairie Ridge, Filings 3

File No. SF2520

Part of S1/2 of Sections 28, Twp. 12 South, Rng. 65 West, 6th P.M.

Water Division 2, Water District 10

CDWR Assigned Referral Nos. 34204

Dear Kari Parsons:

We have reviewed the information provided on June 17, 2025 on the above referenced referral known as Retreat at Prairie Ridge Filing 3. The proposal is to subdivide 17.02 acres into 6 single-family residential lots. Each lot is proposed to be served by an individual well completed into the not nontributary Dawson aquifer.

Water Supply Demand

According to the Water Supply Information Summary Sheet and the Water Resource Report ("Report") prepared by RESPEC from June 2025, the water supply for Filing 3 is estimated at 0.32 acre-feet/year/lot or 1.92 acre-feet/year (1,714 gallons per day) for household purposes, for all 6 lots.



Source of Water Supply

The proposed water source is individual on lot wells to be constructed in the not nontributary Dawson aquifer operating pursuant to the decreed augmentation plan decreed in case no. 2024CW3007 for 5 lots and one lot will be supplied by an existing exempt well operating under permit no. 285607.

The not-nontributary Dawson aquifer groundwater underlying the property is owned by Falcon Area Water and Wastewater Authority (“FAWWA”) and was previously adjudicated by the Division 2 Water Court in case no. 07CW56. According to a letter dated June 10, 2025 from FAWWA, the Authority will not be providing central water or wastewater service to the lots within Filing 3, however FAWWA is committed to providing 1.6 acre-feet of the Dawson aquifer groundwater associated with the decree in case no. 07CW56 and the augmentation plan in case no. 2024CW3007.

The decreed augmentation plan in case no. 2024CW3007 allows for the total annual withdrawal of 3 acre-feet from the not nontributary Dawson aquifer, based on a 300-year allocation approach to be used in five (5) wells.

The proposed source of water for this subdivision is bedrock aquifers 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. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. According to section 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 amount of water decreed in case no. 07CW56 is 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 300 years, the proposed annual water demand is less than the allowed average annual amount of withdrawal of 3 acre-feet per year, allowed by the augmentation plan in case no. 2024CW3007. As a result, the water may be withdrawn in those annual amounts for 300 years.

Well permit no. 285607 is proposed to continue to operate upon subdivision approval and serve one of the six lots in accordance with the presumption of non-injury pursuant to section 37-92-602(3)(b)(IV) as identified in case no. 24CW3007. Specifically, the well is proposed to be used on the new Lot 6 of Filing 3. With the adoption of Senate Bill 20-0155 on July 2, 2020, section 37-92-602(3), C. R. S. was amended to allow an existing exempt well to retain its presumption of non-injury after the land on which the well is located has been subdivided, subject to the following requirements:

1. The existing well permit no. 285607 may only be used on the new Lot 6 of Filing 3; not shared between any of the new lots and must be the only exempt well serving the new Lot 6 of Filing 3. It is recommended that this restriction be included in the plat notes for this subdivision.
2. The well must continue to be used in accordance with its permitted terms and conditions.

3. No additional exempt well permits would be allowed to be constructed on or to claim the land area encumbered by well permit no. 285607, which encumbers 35.121 acres described as that portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 28, Twp. 12 South, Rng. 65 West, 6th P.M. It is recommended that this restriction be included in the plat notes for this subdivision.

Any application for on lot well permits for Retreat at Prairie Ridge Filing 3 Subdivision, submitted by entities other than the water court Applicant in case nos. 07CW56 and 2024CW3007 (FAWWA) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

Additional Comments

The application materials indicate that stormwater detention structure(s) may be part of this project. The Applicant should be aware that unless the structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure(s) 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](#) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the [Colorado Stormwater Detention and Infiltration Facility Notification Portal](#) to meet the notification requirements.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply for the Retreat at Prairie Ridge Filing 3 is adequate and can be provided without causing injury to decreed water rights, **provided:**

Well permit no. 285607 will be the only well supplying the new rural Lot 6 of Filing 3; the well must be operated under the terms and condition of the well permit; and no other exempt wells may be allowed to be constructed on or to claim the land area encumbered by well permit no. 285607. If the well does not meet these requirements, then well no. 285607 must be covered by a court-approved augmentation plan or else be plugged and abandoned.

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 Water Court and Ground Water Commission have 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.

Please contact me at this office (303) 866-3581 x8246 or at ioana.comaniciu@state.co.us with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ioana Comaniciu".

Ioana Comaniciu, P.E.

Water Resource Engineer

Attachments-Permit no. 285607