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December 11, 2023

SF-23-21 Foundation Lutheran Church Subdivision Filing No. 1
Final Plat

Reviewed by: Lori Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Final Plat proposal by Foundation Lutheran Church (“Applicant”), for a one-lot subdivision to accommodate a 1-story church, parking lot, and landscaping on a 5.97 +/- acre parcel. The property is zoned CR (Commercial Regional).

Estimated Water Demand

2. Pursuant to the *Water Resource Report* (“WRR”), the Applicant estimated its annual water needs to serve this subdivision at .32 acre-feet/year. The estimated demand for indoor use is 0.23 acre-feet/year, and the estimated demand for irrigation is 0.09 acre-feet per year.¹ Based on these figures, the Applicant must provide a supply of 96 acre-feet of water (.32 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the project.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Paint Brush Hills Metropolitan District (“District”). As detailed in the *Water Master Plan for Paint Brush Hills Metropolitan District* dated March 2021 (“Report”), attached to the WRR, the District’s water

¹ The *Water Supply Information Summary* (“WSIS”) estimates the total annual demand at 0.36 acre-feet/year for indoor use, with no demand estimated for irrigation. The County Attorney’s Office has elected to use the figures in the WRR due to the supporting documentation provided.

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supply is sourced from non-renewable groundwater sources and, through a contract with Meridian Services Metropolitan District (“MSMD”), a supply of renewable groundwater. As of 2013 and per Tables 8 and 9 in the Report, the District has decreed water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers in the amount of 407 acre-feet per year over a 300-year period,² as well as a contract with MSMD for 85 acre-feet per year of renewable water, for a total of 492 acre-feet of available water per year under El Paso County’s 300-year rule. As of 2019, the District’s water demand was 1,041 single-family equivalents, which equates to 374.76 acre-feet per year using the District’s assumption of 0.36 acre-feet per SFE.

4. The District’s Manager provided a letter of commitment for Foundation Lutheran Church dated May 22, 2023, in which the District committed to providing water service for the Church, for an annual water requirement of .36 acre-feet per year.

State Engineer’s Office Opinion

5. In a letter dated November 3, 2023, the State Engineer reviewed the application to establish a one-lot subdivision for a church on a 5.96-acre parcel. The State Engineer acknowledged an estimated demand of 0.36 acre-feet per year to be provided by the Paint Brush Hills Metropolitan District. According to SEO records, the District has a current supply of 147,550 acre-feet of water (491.83 acre-feet/year based on a 300-year allocation) and a current total commitment to provide 114,406 acre-feet (381.4 acre-feet/year based on a 300-year allocation), including this subdivision. The State Engineer therefore concluded that “...the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Foundation Lutheran Church Subdivision Filing No. 1 is .32 acre-feet per year for a total demand of 96 acre-feet for the subdivision for 300 years, to be supplied by Paintbrush Hills Metropolitan District. **Based on the District’s available water supply of approximately 492 annual acre-feet, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Foundation Lutheran Church Subdivision Filing No. 1.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated November 20, 2023, the *Paint Brush Hills Metropolitan District* letter dated May 22, 2023, and

² The Report identifies 1221 acre-feet of non-renewable groundwater rights on a 100-year allocation basis.

the *State Engineer Office's Letter* dated November 3, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Ryan Howser, Project Manager, Planner