

County Attorney

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February 22, 2024

MS-23-2 Falcon Storage
Minor Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a minor subdivision proposal by Falcon Storage Partners LLLP (“Applicant”), to plat a 5.004 +/- acre tract of land (the “Property”). The property is zoned I-2 (Limited Industrial).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 0.108 acre-feet per year for irrigation of 5 acres.¹ The Applicant must therefore be able to provide a supply of 32.4 acre-feet of water (0.108 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District (“District”). The Water Resource Report dated January 2024 states that District has a current total water supply of 1,457.6 annual acre-feet and supplied an average of 845.15 acre-feet per year from 2020-2022.

¹ Appendix F of the Water Resource Report dated January 2024 based the estimated demand, however, on irrigation of 5,545 sq. ft. Applicant will be required to correct the WSIS to reflect this area.

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4. The District provided a letter of commitment for Falcon Storage dated January 22, 2024, in which the District stated that it is committed to providing water for Falcon Storage. The District states the water committed is 0.1085 acre-feet of water per year.

State Engineer's Office Opinion

5. In a letter dated February 21, 2024, the State Engineer reviewed the proposal to plat a 5-acre tract of land to be used for RV storage facilities. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District. Further, the State Engineer's Office stated that ". . . 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 water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Falcon Storage is 0.1085 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 0.1085 acre-feet/year for the plat and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Falcon Storage.**

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 January 2024, the *Woodmen Hills Metropolitan District letter* dated January 22, 2024, and the *State Engineer Office's Opinion* dated February 21, 2024. 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.

B. Prior to recording the final plat, Applicant must upload an updated WSIS to identify that an estimate 5,545 square feet will be irrigated.

cc. Ashlyn Mathy, Project Manager, Planner