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June 5, 2024

VR-23-14 The Shops Filing No. 2 at Meridian Ranch

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is an application to vacate and replat approximately 2.4 +/- acres of land (lot 2 of the Shops Filing No. 1) into 2 lots (the "Property") by Shops at Meridian Ranch LLC ("Applicant"). The property is zoned CR (Commercial Regional).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand is 0.8 acre-feet per year for commercial use for the 2 lots. The Applicant must therefore be able to provide a supply of 240 acre-feet of water (0.8 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 Meridian Service Metropolitan District ("District"). As detailed in the Water Resources Report dated January 2024 ("Report"), the estimated annual demand will be 0.5 acre-feet for commercial use and 0.3 acre-feet per year for irrigation for a total water demand of 0.8 acre-feet/year.

4. The District's General Manager provided a letter of commitment for The Shops Filing 2 dated December 14, 2023, in which the District General Manager stated that the District will provide water service to the Property in the amount of 0.8 acre-feet per year. According to

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the letter, the District owns 2,089 acre-feet/year based on a 300-year supply. Of that amount, the District currently has 2,022 acre-feet/year of water available for primary supply. The current total demand on the District is 1,687 acre-feet/year, leaving a surplus of 335 acre-feet per year.

State Engineer's Office Opinion

5. In a letter dated December 18, 2023, the State Engineer reviewed the proposal to subdivide the 2.43 acres known as Lot 2 of the Shops Filing No. 1 at Meridian Ranch, into two lots. The State Engineer stated that the "[t]he proposed water supply is service provided by the Meridian Service Metropolitan District (MSMD). . . MSMD is committed to serving the development." The State Engineer indicates a water demand for this subdivision is 0.8 acre-feet/year. The State Engineer indicates they received a letter of commitment dated December 14, 2023, from the District which indicated that MSMD is committed to serving the development. Finally, ". . . pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), 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."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for The Shops Filing No. 2 at Meridian Ranch is 0.8 acre-feet per year to be supplied by the Meridian Service Metropolitan District. **Based on the water demand of 0.8 acre-feet/year for the development and the District's availability of 335 acre-feet/year, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for The Shops Filing No. 2 at Meridian Ranch.**

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 Meridian Service Metropolitan District letter dated December 14, 2023, and the State Engineer Office's Opinion dated December 18, 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