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CIVIL DIVISION

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April 13, 2022

PUDSP-21-11 Cottages at Mesa Ridge  
Combined PUD/Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney  
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**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a proposal by HR Green Development, LLC (“Applicant”) for a one-lot subdivision for the construction of 122 attached manufactured dwellings, 1 sales/amenity center, and open space on approximately 10.2 acres (the “property”). The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 42.70 acre-feet/year for in-house use (0.35 acre-feet/year/dwelling unit), 0.35 acre-feet/year for a Leasing Office/Clubhouse and 3.0 acre-feet/year for irrigation. Based on the total annual demand of 46.05 acre-feet for the development, Applicant must be able to provide a supply of 13,815 acre-feet of water (46.05 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 Widefield Water and Sanitation District (“District”). Under Section 8.4.7.C.1. of the El Paso County Land Development Code (“Code”), “[w]ater provided from renewable ground water sources is considered to be annually renewable and, therefore, is considered to have a minimum life of three hundred (300) years.” As detailed in the District’s June 30, 2021 Annual Update and as incorporated in the *Water Resource Report for Cottages at Mesa Ridge* dated March 2, 2022

("Report"), the District's water supply is based on surface water supplies, renewable groundwater, and a mix of various sources. The system does not rely on any non-renewable water sources. Based on the foregoing, since the proposed water supply is an annually renewable source, it falls within the provisions of Section 8.4.7.C.1., and thus the proposed supply is considered to have a minimum life of 300 years. The *Report* indicates the District's "current Developed Physical Supply is 5271 annual acre-feet. The three-year running average actual use is 2755 acre-feet which is roughly 52 % of the existing available physical supply."

4. The District's Engineer provided a letter of commitment for the Cottages at Mesa Ridge development dated August 31, 2021, in which the District committed to providing water service to the 122 residential lots plus irrigation with an annual water requirement of 46.05 acre-feet/year.

#### State Engineer's Office Opinion

5. In a letter dated October 26, 2021, the State Engineer reviewed the proposal to subdivide the 10.2 +/- acre parcel into 122 manufactured dwellings, sales/amenity center, plus irrigated green space. The State Engineer stated that the "proposed development is to be served by Widefield Water and Sanitation District. A letter of commitment dated August 31, 2021 from Widefield was provided with the materials and indicated that 46.05 acre-feet are committed to the proposed subdivision.... According to the records of this office, Widefield has sufficient water resources to supply this development as described above." Finally, "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Cottages at Mesa Ridge development is 46.05 acre-feet per year to be supplied by the Widefield Water and Sanitation District.

**Based on the water demand of 46.05 acre-feet/year for the development and the District's availability of renewable water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Cottages at Mesa Ridge development.**

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* provided March 3, 2022, the *Water*

*Resource Report* dated March 2, 2022, the *Widefield Water and Sanitation District* letter dated August 31, 2021, and the *State Engineer Office's Opinion* dated October 26, 2021. 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. Kari Parsons, Senior Planner