

3. The Applicant has provided for the source of water to derive from the Paint Brush Hills Metropolitan District ("District"). Applicant estimates its annual water needs to serve household use for the 158 single family lots as follows: 56.88 acre-feet annually for household use and irrigation, or 0.36 acre-feet per lot annually. Based on these figures, Applicant must be able to provide a supply of 17,064 acre-feet of water (56.88 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.
4. In a letter dated September 7, 2018, the District's Manager committed to serve water to Paint Brush Hills Filing 13E. The September 7th letter confirmed the commitments set forth in earlier District letters, dated March 30, 2015 and June 24, 2016. The District Manager affirmed that through the "aggregate commitments set forth in the 2015 Letter and the 2016 Letter the District committed to serve 515 single-family equivalent units, with an estimated annual need of 185.4 acre-feet of water." This affirmation includes the 158 lots proposed in Filing 13E.
5. In a letter dated February 27, 2019, the State Engineer reviewed information in their files, along with the District's "Will Serve Letters" dated March 30, 2015, June 24, 2016, and September 7, 2018. The State Engineer noted that the "water rights available to the District total 122,050 acre-feet over a period of 300 years....The District's commitments to supply water total 114,298 acre-feet of water over a period of 300 years....Those commitments include this this subdivision, Paint Brush Hills, Filing No. 13E." The State Engineer indicated that the District has sufficient water resources to supply the proposed development. Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply can be provided without injury to existing water rights and the supply is expected to be adequate.
6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development 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 that may be provided by the El Paso County Health Department.
7. Analysis: With a proposed annual demand of 56.88 acre-feet (17,064 acre-feet for a period of 300 years) for Paint Brush Hills Filing 13E and given the aggregate commitments of the District, inclusive of Filing 13E, for a total demand of 114,298 acre-feet and the current demand of 17,064 acre-feet, and the available supply of 122,050 acre-feet, the resulting surplus water supply is 7,752 acre-feet. Based on the commitment to serve by the District and the State Engineer's opinion that this demand is within the remaining supply limits of the District, it appears the proposed water supply will be sufficient.

8. Therefore, based on the above analysis, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability as to the 158 lots in Filing 13E.

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, Project Manager, Planner II