



EL PASO COUNTY

Office of the County Attorney
Civil Division

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PUDSP-25-1 Mayberry Phase II

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 Mayberry Communities LLC (“Applicant”) for subdivision of 92 duplex units, 6 single units, a community clubhouse and irrigated land on a 18.70-acre parcel (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 16.17 acre-feet/year for in-house use, 0.43 acre-feet/year for a clubhouse, concessions and pool plus 17.70 acre-feet for irrigation for a total of 34.30 acre-feet/year for the subdivision. Based on the total demand, Applicant must be able to provide a supply of 10,290 acre-feet of water (34.30 acre-feet/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 Ellicott Utilities Company (“EUC” or “company”). As detailed in the *Mayberry Phase 2 PUD – Water Resource Report* dated June 14, 2026 (“*Report*”), EUC has 53.67 acre-feet/year of water available through Colorado Ground Water Commission Determination No. 598-BD and 82 acre-feet/year of water available through the Tipton Well, a well owned by Cherokee Water, LLC in which EUC owns an interest and from EUC’s acquisition of Powers and Galley, LLC’s membership interest in Cherokee water. The current 300-year annual water supply available to the Mayberry subdivision is 135.67 acre-feet/year. The *Report* states that “EUC has committed to serve Filings 1, 1A, 2, 2A, 3 and 4 of the Mayberry subdivisions in the amount of 84.97 af/yr. In addition, EUC has committed to serve Mayberry Phase 2 PUD in the amount of 34.30 af/yr.”

4. A representative of EUC provided a letter of commitment for the Mayberry, Colorado Springs Phase 2 PUD dated July 21, 2026 in which the company committed to providing water service to the 98 living units, clubhouse, concession building, swimming pool, plus irrigation, with an annual water requirement of 34.30 acre-feet/year.

State Engineer's Office Opinion

5. In a letter dated July 9, 2026, the State Engineer reviewed the proposal to subdivide the 18.70-acre parcel into 98 living units, clubhouse, concession building, swimming pool, plus irrigation. The State Engineer stated that the “. . . Company owns and controls water rights associated with Determination of Water Right Nos. 598-BD and 599-BD, [and] an interest in the Tipton Well and Benton Well.” For this subdivision, only the water rights from 598-BD and the Tipton well will be utilized. The State Engineer confirmed the water supply from Determination No. 598-BD and the Tipton Well (adjudicated through Determination No. 91GW01) totals 135.67 acre-feet/year for 300 years. The State Engineer further stated that “pursuant to C.R.S. 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), it is our opinion that the proposed water supply can be provided without causing material injury to decreed water rights, and is adequate, so long as the plan for augmentation is operated according to its decreed terms and conditions.”

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Mayberry Phase II development is 34.30 acre-feet per year to be supplied by Ellicott Utilities Company, LLC.

Based on the water demand of 34.30 acre-feet/year for the Mayberry Phase II development and the Company's available water resources in the amount of 135.67 acre-feet/year, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Mayberry Phase II development.

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Land Development 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 June 14, 2026, the Ellicott Utilities Company letter dated July 21, 2026, and the State Engineer Office's Opinion dated July 9, 2026. 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 company.

cc. Ryan Howser, Project Manager, Planner